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THE PRESIDENTIAL PRIMARY

PARTIES AND PRACTICAL
POLITICS SERIES

EDITED BY CHARLES E. MERRIAM

THE AMERICAN PARTY SYSTEM

By CHARLES E. MERRIAM

NATIONAL PARTY PLATFORMS

By KIRK H. PORTER

THE PRESIDENTIAL PRIMARY

By LOUISE OVERACKER

THE PRESIDENTIAL PRIMARY

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PREFACE

The selection of the president of the United States is a matter of vital importance. Yet the process by which the president is nominated has been described as a political "one hoss shay" which has broken down completely. Twenty-six states have attempted direct popular control of presidential nominations by providing laws for the election of delegates to national conventions, or a preference vote for president, or both. This volume is primarily an analysis and comparison of these laws and an evaluation of them as instruments of popular control. Throughout the study emphasis has been placed upon actual operation rather than the formal provisions of the laws. The functioning of the various types of presidential primary has been compared and specific suggestions made for drafting an effective law. An attempt has been made, also, to measure the combined effect of these laws upon the presidential nominating process, in an effort to determine whether these primaries weaken or strengthen the "one hoss shay." Although the emphasis has been placed on the operation of existing state laws, the possibility of national action has not been ignored, and consideration has been given to the various proposals for a national presidential primary law.

The preparation of this study has been made possible only by the cooperation of numerous public men and students of political problems, who have given the writer many valuable sidelights upon the operation of the existing presidential primary laws and suggestions for modification; and of a

host of secretaries of state, legislative reference librarians and librarians of public libraries who assisted so materially in the collection of the necessary data. Professor Freund, Professor White and Dr. Gosnell of the Department of Political Science of the University of Chicago have offered important suggestions from time to time. Professor R. S. Boots, of the University of Nebraska, and Mr. Joseph D. McGoldrick, of Columbia University, have put at the disposal of the writer material which they had collected relating to the operation of the presidential primary in 1924, and to them grateful acknowledgment is made. The writer gladly acknowledges a special debt to Professor C. E. Merriam, under whom this study was made and who contributed so generously of his time and the wealth of his experience; to Professor Victor J. West, of Stanford University, who has read the entire manuscript and who has offered many invaluable suggestions; and to Dr. L. S. Rowe, Director-General of the Pan American Union, who gave the writer his aid and encouragement while in Washington, and who made possible the establishment of so many valuable contacts.

To all those who have assisted in the preparation of this study the writer renders grateful acknowledgment.

L. O.

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PART I
INTRODUCTION

THE PRESIDENTIAL PRIMARY

CHAPTER I

THE PROBLEM, THE SCOPE, AND THE METHOD

THE PROBLEM AND THE SCOPE OF THIS STUDY

Since 1905 individual states have taken steps to control the action of their delegates in the national conventions, either by electing those delegates directly, by instructing them as to the popular preference for president, or both. In its broadest aspect the presidential primary has been part of the general movement for more democratic control of American government which gained such headway during the period 1900-1914, and which placed the direct primary, the referendum, and the recall upon the statute books of many states.

More narrowly it has been an attempt to give the people of the United States something to say about the election of the president. The Constitution provides a complex method of election that is only indirectly subject to popular control; ¹ custom and party usage have supplemented it with a nominating system that is even more complex and indirect.

¹ Art. II, secs. 2, 3; and Amendment XII.

After 1831 the convention was substituted for the caucus in an effort to make the nominating body more representative, but nominations were still controlled only indirectly by the rank and file of the party membership and the nominating body conformed only to party regulations.¹ Under the convention system the delegates to the national conventions were chosen by state conventions, the delegates to these state conventions being popularly chosen at caucuses or primaries, or by another series of conventions. The national conventions were entirely unregulated by law, the allotment of delegates, the deciding of contests and the procedure in the convention being controlled only by party rules and customs.²

Such a combination of indirect election and indirect nomination offers no assurance of popular control of the presidency. For if the conventions choose two mediocre or unrepresentative candidates and the voters are limited to these candidates when they cast their ballots at the general election they must choose a mediocre or unrepresentative president. Moreover, the clumsy electoral system reduces the possibility of third party or independent candidacies to a minimum and the voters are forced to choose between the convention nominees. It is apparent that the nomination of the president is one step in the elective process and that any experiment in popular control of the nominating method is at the same time an experiment in popular control of the election of the president.

The presidential primary is also part of a movement to secure party responsibility through the enactment of direct

¹ For studies of the caucus see C. S. Thompson, *Rise and Fall of the Congressional Caucus*; and Ostrogorski, "The Rise and Fall of the Nominating Caucus," in *American Historical Review*, V, 253.

² For more detailed accounts of the convention method see R. C. Brooks, *Political Parties and Electoral Problems*, chs. X and XI; C. E. Merriam, *The American Party System*, pp. 274-289; and P. O. Ray, *An Introduction to Political Parties and Practical Politics*, ch. VIII.

primary laws. National and state politics and political machinery are so closely related in this country that it would be impossible to secure party responsibility without controlling the national organization and particularly the national convention, which, in the last analysis, is the supreme governing body of the party.

It is clear from what has been said that the presidential primary as an experiment in democratic control forms part of two interlocking problems: on the one hand it is part of the whole problem of the nomination and election of the president, and on the other hand it is part of the problem of securing responsible party government. It is impossible within the limits of this study to make an exhaustive analysis of either presidential nominations and elections or of primary elections, but the relationship of any study of the presidential primary to these larger problems is not lost sight of. What is undertaken is an analysis of the presidential primary laws which have been put into effect; an appraisal of them as instruments of democratic control as judged by their effect upon popular control of the election of the president, and party responsibility; and finally an estimate of the possible development of the presidential primary as an instrument of popular control either through state or national action. We are not concerned primarily with the advisability of popular control, but viewing the presidential primary as an experiment in democratic government it is our problem to discover how effective an instrument it has been, or can be made. We are not attempting an analysis of all possible methods of nominating and electing the president, but merely studying the effectiveness of the presidential primary as an instrument of control over the nominating and elective process. We are not passing judgment upon the direct primary, but simply analyzing the presidential primary as an effort to secure party responsibility.

Analyze d.p. as effort to

THE METHOD

In carrying out this problem use has been made of general studies of primary elections as well as the few critical analyses of the presidential primary, of statutes, of legislative proceedings and committee hearings. Particular emphasis has been placed upon collecting the statistical material which has been made the basis of quantitative measurement wherever possible.¹ But an examination of secondary material, statutes and statistics gives one but the skeleton of the problem. If one is to fill in the picture—to view these laws as a “going concern” as the economist would say—one must look further for one’s material. For example, the fact that the laws provide that delegates’ names may be put upon the ballot by petition tells one nothing whatever about who promoted the candidacy of certain delegates or how the names which were put upon the ballots were actually selected. Nor does the fact that A, B, and C ran in a certain primary and each received a certain number of votes tell us what sort of a campaign each waged to win those votes or what were the deciding factors in the election.

The ideal method for studying the operation of such laws is for the trained observer to live through the campaigns and gather his data as the experiment is performed before his eyes, as does the pure scientist in the laboratory; only when the social sciences take advantage of the experiments being worked out around them can they hope to develop anything approaching a scientific method. Unfortunately it has been possible for the writer to follow this method in only a few cases. The most satisfactory alternative has been to follow the reflection of the operation of these laws in the daily press, checking the data obtained in this way by personal in-

¹ See Appendix C for comparative tables.

interviews or by correspondence with those at the scene of action.

If there be anything unique in the method used in the preparation of this study it lies in the extensive use of newspaper material. Not only were the larger, metropolitan dailies examined but the pre-primary campaigns were followed in at least one, and usually two, of the more important papers in each of the states where a compulsory presidential primary law has been in effect.¹ Where there seemed to be room for a sharp difference of opinion upon facts and their interpretation two newspapers were used. Papers of opposing political faiths were selected and where possible one in sympathy with the primary principle and one opposed to it were used.² These newspapers offered a wealth of material bearing upon the forces promoting and opposing the passage of the laws as well as upon their actual operation after their passage. Such newspaper comment offers us almost our only real information regarding the reasons for passage of the laws, the debates thereon, and the explanation of certain provisions, for the journals of our state legislative bodies are rarely more than statements of the action taken and the record of the yeas and nays.

Curiously enough the newspapers of the relatively small city, which make no attempt to compete with the larger metropolitan dailies in foreign and national items of interest, afforded the best source of information for state and local political views. They specialize in the localized comings and goings, for which the newspapers of the larger cities

¹ For list of newspapers used, arranged by states, see bibliography.

² This was not always possible because in most cases the writer was limited to the files of the Library of Congress. That collection is excellent, but it naturally includes the larger, more firmly established dailies, the majority of which are conservative in their point of view and not in sympathy with the primary principle. For example not a single North Dakota newspaper showing Non-Partisan League tendencies is included.

have no space, and give detailed and usually accurate accounts of local political committee meetings and conventions, campaign meetings and group alignments. Then, too, the editor of the smaller newspaper is almost always well trained in the school of practical politics and some of the most pointed constructive criticism of the details of the primary laws comes from the pages of the small-city newspaper.¹

Generally in addition to the period of the passage of the law, the months of January to June, in the election years 1912, 1916, 1920, and 1924 were covered.² In particular cases a longer or shorter period has been included.³ It is to be regretted that it has been impossible to extend the period of investigation to include the state primaries, where they are held in the fall, for in some cases events preceding the presidential primary can be interpreted only in the light of the state primary following.

Wherever possible the conclusions drawn from newspaper sources have been supplemented by correspondence or interviews with those familiar with the political situation involved and in discussing the outlook for a national presidential primary, information of this sort has been relied upon to a large extent.

The plan of action used in the preparation of this study was as follows:

1. A survey of the general problem of primary elections and of presidential nominating methods;
2. A detailed study of the statutes;

¹ A notable instance is that of the *Fresno Republican*, a California paper edited for many years by Chester Rowell, one of the spokesmen for progressive Republicanism in California.

² For 1924 the writer was limited to the current issues received by the Chicago Public Library. That collection is not as extensive as that of the Library of Congress.

³ For example in South Dakota it was necessary to include December of the year previous as the proposal conventions are held then.

3. A state by state study of the operation of each law ;
4. A correlation of the experience of the various states ;
5. An analysis of the proposed plans for a national presidential primary.

The material collected in this way has been organized as follows :

1. Introduction, including a brief history of the presidential primary movement ;
2. An analysis of the state laws and their operation ;
3. The effect of the primaries ;
4. The possible development of the presidential primary.

CHAPTER II

A BRIEF HISTORY OF THE PRESIDENTIAL PRIMARY MOVEMENT IN THE STATES

The origin of the presidential primary is usually traced to the Oregon law of 1910. But if we broaden the term to include all efforts to control the action of the presidential nominating conventions, and not merely the instruction of delegates through a preference vote, we must look farther for the germs of the idea. For in 1905 the legislature of Wisconsin passed a law providing for the direct election of all delegates to national conventions.¹ The demand for this law was the direct result of an unhappy experience which that state had had with the untrammelled convention system in 1904.² In that year a struggle between the La Follette and anti-La Follette groups for control of the Republican party in that state, resulted in a split in the state convention and the sending of two sets of delegates at large to the national convention as well as the naming of two sets of nominees for state office. The convention seated the anti-La Follette delegates upon recommendation of the National Committee and the Credentials Committee.³ Later the Wisconsin Supreme Court, in deciding which list of nominees for state office should appear upon the November ballot as

¹ *Laws of 1905*, ch. 369. The primary was held the first Tuesday in April. The law contained the interesting provision that the four candidates for delegates at large receiving the highest number of votes were to be declared the delegates at large and that the fifth, sixth, seventh, and eighth candidates were to be declared the duly elected alternates.

² *La Follette's Weekly*, April 8, 1911, p. 4.

³ Republican Party, *Proceedings of 1904*, pp. 76-83.

Republican, held that the La Follette group was the lawfully chosen one.¹ It was these popularly elected Wisconsin delegates who, in the convention of 1908, alone and unafraid, fought for platform planks pledging the Republican party to more effective control of railroads and trusts, lower tariff rates and popular election of United States senators.²

Also, in Pennsylvania in the primary law of 1906,³ provision was made for direct election of *district* delegates to the national conventions as well as for the direct nomination of most state officers and the election of delegates to the state conventions. In addition the law provided "each candidate for delegate shall have the right to have printed at the right of his name upon the official ballot . . . the name of the candidate whom he will support in the convention." This law lay unnoticed upon the statute books in 1908, as the parties were completely "harmonized," but in 1912 it made it possible to put Taft and Roosevelt district delegates upon the ballot and to label them as such.⁴ The direct elec-

¹ *State v. Houser*, 122 Wis., 534. As to whether the decision of the national committee or of the state committee should control, the Court said: "... since the law of this state has provided the conditions under which the party nominees shall go upon the official ballot, how can it be reasonably said that the decision of the national convention of a party can nullify it?" (p. 589).

² Republican Party, *Proceedings of 1908*, pp. 125-137. The Wisconsin member of the Resolutions Committee was the only one to sign the minority report and of the twenty-eight votes for it, twenty-five were cast by delegates from Wisconsin. Of these delegates *La Follette's Weekly* for January 7, 1911, p. 3 says: "They stood in that convention, a little band of fearless men, fighting to the last ditch for platform pledges vital to the public interest. Their contest in the Chicago convention fixed the attention of the country and forced the candidate nominated for president to broaden the platform by declarations in his speech of acceptance in favor of several of the important Wisconsin propositions which the convention had impatiently rejected . . ." Twenty-five of the twenty-six Wisconsin delegates voted for La Follette instead of Taft on the final roll call for the presidential nomination.

³ *Laws, Special Session of 1906*, No. 36.

⁴ The delegates at large to the national convention were chosen by the state convention but the effort of the Roosevelt forces to have the candidates for delegates to the state convention labelled "Taft" or "Roosevelt" was unsuccessful. The Philadelphia County Commissioners in denying the request of the Roosevelt managers said: "... inasmuch

tion of delegates was also provided for in the South Dakota Law of 1909.¹

Senator Jonathan Bourne of Oregon may well lay claim to being the father of the presidential preference idea, although the action of the Alabama Democrats in 1908 probably suggested the possibility of such action to him. As early as 1908 the editor of the *Oregon Daily Journal* called attention to the fact that in Alabama 2000 Democrats had filed a petition asking the State Committee to put the name of William Jennings Bryan upon the official primary ballot in order that the delegates to the Denver convention might be instructed for him.² The *Journal* went on to say:

"The incident in itself is not of much consequence, but it is significant as being possibly the origin of a new method of nominating presidents. As the *Birmingham Age-Herald* says: this popular vote, if allowed, 'may readily become the beginning of a great change. It may grow historic, for it may be the inauguration of popular selection by the many of presidential candidates.'"³

This idea was taken up by Senator Bourne and the People's Power League of Oregon⁴ and November, 1910, a measure providing for a preference vote for president and vice-president, as well as the direct election of all convention delegates was put upon the ballot by popular initiative and was endorsed by the voters.⁵

as the state conventions . . . have nothing directly to do with the nomination of a presidential candidate, we are of the opinion that requests such as those above mentioned are not contemplated by the act." *Philadelphia Public Ledger*, March 26, 1912, p. 8.

¹ *Laws of 1909*, ch. 297, sec. 66. Delegates were elected partly at large, and partly by districts.

² *Oregon Daily Journal*, April 28, 1908.

³ *Ibid.*

⁴ The idea was Senator Bourne's; the law was actually drafted by W. S. U'Ren of the People's Power League, according to his statement to the writer, September, 1923.

⁵ The Oregon movement is admirably summarized by James D. Barnett, "The Presidential Primary in Oregon," *Political Science Quarterly* XXXI, 81.

The Oregon idea was adopted by Wisconsin, Nebraska, New Jersey, North Dakota, South Dakota, and California in 1911, and by Maryland, Massachusetts and Illinois early in 1912. In addition, Pennsylvania and Ohio¹ had provisions for the direct election of district delegates, New York provided that district delegates might be popularly elected at the option of the state committees (a provision of which the Republicans took advantage),² and the optional primary laws of Georgia and Florida made Democratic preference primaries possible. Before 1912, then, nine states provided for both a preference vote and the election of all delegates, one state for a preference vote only,³ two for the direct election of district delegates, and three made such action possible at the option of the state committee.

Between 1912 and 1916 the nine states of Michigan,⁴ Montana,⁵ Iowa, Minnesota, New Hampshire, Vermont, West Virginia, North Carolina and Indiana adopted some form of the presidential primary⁶ and New York, Ohio, Massachusetts, California and Illinois amended their laws.⁷ In addition Texas passed a law which was declared unconstitutional.⁸ Since 1916 only one state—Alabama—has adopted any form of presidential primary and that law was

¹ The Ohio Democratic State Committee provided for the addition of an unofficial preference vote. *Fresno Republican*, May 20, 1912, p. 1.

² See Digest, Appendix B for citations to the statutes.

³ Illinois.

⁴ Passed in March, 1912, but as the legislature refused to give it immediate effect it could not be used until 1916.

⁵ Passed by popular initiative, November, 1912, 46,241 voting for it and 12,143 against it. *Helena Independent*, Dec. 4, 1912, p. 2.

⁶ All except New Hampshire provided for a preference vote. Michigan, Indiana, North Carolina and Vermont did not provide for direct election of delegates.

⁷ New York to provide for compulsory direct election of all delegates, Ohio to provide for a preference vote and the indication of the personal preferences of the delegates, Massachusetts and California to eliminate the preference vote and to provide for election of delegates whose preferences were known, and Illinois to provide for the election of delegates.

⁸ *Waples v. Marrast*, 108 Texas 5.

declared unconstitutional.¹ Minnesota and Iowa abandoned their laws after one trial, Vermont repealed her law after it had been in effect in 1916 and 1920 and Montana's law was repealed by popular referendum November, 1924.

Twenty-six states in all have taken action to control their delegates in the national conventions, twenty-two have had compulsory laws actually in operation, two others have had such laws declared unconstitutional, and two have had experience with optional laws. In at least three other states² some form of presidential primary has been seriously considered and in numerous instances unofficial primaries have been held under the control of the party authorities.³

These states have been widely distributed geographically, three New England, three Middle Atlantic section, five Southern, five East North Central, five West North Central, one Mountain, and two Pacific.

The principle of the right of the state to control its delegates found recognition in the platform of the National Progressive Republican League in 1911, one of the planks in the set of principles of this group of progressives being:

"The Progressive-Republican League believes that popular government is fundamental to all other questions. To this end it advocates . . . Third, the direct election of delegates to

¹ By the Attorney General. His decision was not contested. Letter of the Secretary of State to the writer. Sec. 190 of the Alabama Constitution of 1901 expressly provides: "The legislature shall also make provision by law, not inconsistent with this article for the regulation of primary elections . . . but shall not make primary elections compulsory."

² In Kansas it was urged by Governor Stubbs in 1911, and by Governor Capper in 1915; and in Washington by Governor Lister in 1915. In Virginia the 1920 Democratic state convention refused to endorse a presidential primary by a vote of 589½ to 111½. *Chicago Tribune*, May 24, 1920, p. 4.

³ In 1912 preferential primaries were held by the Democrats in Arizona, Nevada and Rhode Island, Democratic Party, *Proceedings of 1912*, p. 222. See also: *San Francisco Chronicle*, April 14, 1912, p. 37, and *New York Times*, June 2, 1912, p. 3. The Republicans held primaries in certain districts in Washington and Missouri in 1912. *Proceedings of 1912*, pp. 119 and 255.

national conventions with opportunity for the voter to express his choice for President and Vice President. . . ."¹

The Democratic party likewise went on record in support of direct election of convention delegates in the call for their convention of 1912, and in their platform of the same year they pledged the party to hold primaries in 1916 in those states where the laws made no provision for them.² However the 1916 call simply pointed out this pledge without taking any steps toward its fulfillment.³ The Republican party gave tacit recognition to the right of the states to control the election of convention delegates, when, in the call for the convention of 1916 it provided that states might provide for the election of all delegates at large although it had been the custom of the Republican party to elect its delegates by congressional districts.⁴

The movement for the presidential primary was distinctly "progressive" in its inception. In every instance the laws passed were the work of progressive Republicans or progressive Democrats, or a combination of the two. But the circumstances attending the passage of the laws differed greatly and these circumstances are significant.

In Oregon, Wisconsin, New Jersey, Nebraska, the Dakotas, and Minnesota, the passage of these laws was part of a general movement for more direct popular control of government, without reference to a particular situation.⁵

¹ Reprinted in *La Follette's Weekly*, Feb. 4, 1911, p. 7.

² *Proceedings of 1912*, p. 368.

³ *Proceedings of 1916*, p. 216.

⁴ *Proceedings of 1916*, pp. 12-13.

⁵ In Oregon the measure was initiated by the People's Power League, responsible for the state-wide, direct primary, the initiative and the referendum. This group supported Roosevelt in 1912 but the law was passed before the 1912 alignment was defined. They were thinking in terms of the abuses of 1908, rather than the possible abuses of 1912 in passing the law. One of the arguments raised against the law was the fact that it was backed by a group whose leaders were disgruntled because they were not sent to the 1908 convention. Oregon, Secretary of State, *Pamphlet Containing Copy of Measures Referred to, and Initiated by the People*, November 8, 1910, p. 178. In New

But in at least five of the states adopting laws before 1912 action was taken at the behest of the progressive wing of the Republican party after the cleavage between progressive and conservative wings was well defined, the action taken being necessarily colored by the immediate situation. In California the conservative press asserted that the "at large" feature of the law was a scheme to give the Johnson group control of the entire delegation, and during the debate on the bill the names of prospective presidential candidates were freely used.¹ In Illinois, Maryland, Massachusetts and Michigan the laws were put through largely because of the persistence of the progressive wing of the Republican party and of its conviction that under the convention system the "old guard" would control the state conventions and the delegates to the national conventions, and that the direct selection of the delegates by the voters might result differently. The Alabama law of 1924 was said to have been designed to meet a specific situation, although a very different one—that of giving Senator Underwood the power to name his own delegates to the Democratic convention. In three states—Montana, Iowa, and New Hampshire—although the action taken came after the 1912 primaries, it was the successful culmination of a movement which began at that time.²

Jersey the presidential primary was part of the Geran primary law, passed during Wilson's administration as governor, and in Minnesota the legislature which passed the presidential primary also passed laws providing for the initiative, referendum and the recall. *Trenton True American*, February 14, 1911, p. 2, and C. J. Buell, *The Minnesota Legislature of 1913*.

¹ One Senator who voted for the bill felt it necessary to explain that in spite of that fact he was for Taft! California, *Journal of the Senate, Extra Sessions, 1911* p. 469.

² The Montana law was passed by popular initiative in 1912 and was one of four measures proposed by the People's Power League. *Montana Daily Record*, October 28, 1912, p. 1. In 1912 the progressive wing of the Republican party had failed in its efforts to get the state committee to conduct an unofficial primary and the action of the Montana delegates in swinging to Taft made them more than ever determined to secure the passage of a law regulating the election of delegates. *Helena Independent*, February 14, 1916, p. 4. In Iowa a presi-

In at least five cases: Vermont, West Virginia, North Carolina, Ohio, and Indiana, provisions for a presidential primary were included as part of a general state-wide primary law and almost no consideration was given to the presidential primary feature.

Some of the laws which were passed in the shadow of the 1912 conventions met with strenuous opposition from conservative forces and were passed only after important features were compromised. In Maryland the presidential primary bill as originally introduced in the legislature provided for a preference vote and the direct election of delegates to the convention, but in the end the choice of the delegates was left with a state convention elected and instructed under a "county unit" plan which discriminated against certain sections of the state.¹ The Michigan law was passed at a spirited special session in which the conservative forces raised the constitutionality boggy and succeeded in blocking Governor Osborn's efforts to give the law immediate effect as well as in eliminating all provision for direct election of the delegates.²

dential primary plank appeared in the 1912 state platform of each of the parties. See inaugural address of Governor Clarke, reprinted in the *Des Moines Register*, January 18, 1913, p. 12. In New Hampshire Governor Bass failed to secure the passage of a presidential primary in 1912, but in 1913 a combination of Democrats and progressive Republicans passed the law at the request of Governor Felker (Dem.). *Manchester Union*, January 8, 1913, p. 1.

¹ See *Baltimore Sun*, March 28, 1912, p. 6, and April 7, 1912, p. 16 for a discussion of the two bills.

² Governor Osborn called a second special session in an effort to bring the Senate to terms, but they refused to accede to his wishes. Senate, *Journal, Second Extra Session of 1912*, pp. 10-12. As to the significance of the session, the *Detroit News* said: "More significant than the presidential primary . . . are the political alignments and influences it has served to bring to public view. As to the alignments, there is no doubt that the Taft forces in Michigan, as elsewhere, are opposed to the primary . . ." March 7, 1912, p. 4. The *New York Times* naïvely testified to the truth of this interpretation by saying: "The only thing apparently that can prevent it [President Taft's control of the Michigan delegation] is the possibility of Governor Osborn inducing the Legislature to give immediate effect to the Presidential Primary bill passed last week. In that event Colonel Roosevelt

The Indiana law was passed in 1915 in fulfillment of a Democratic pledge to enact a general state primary law. But such action was taken against the strenuous efforts of Taggart and other Democratic leaders, and only after the national administration had "cracked its whip" over the recalcitrant Senate,¹ and the final bill was a compromise measure retaining the convention and providing that the result of a preference vote for senator and governor, as well as president, should be binding only if one candidate received a majority.²

In Vermont a somewhat similar situation arose. After the voters approved the principle of the direct primary upon referendum by the legislature³ and the platform of the dominant party had pledged the party to the enactment of a primary law,⁴ the house voted down a direct primary bill and only an appeal by the Governor secured its reconsideration and passage.⁵ The final bill was described as "half a loaf" because it did not apply to nominations for county offices or to one house of the legislature, and also because it became effective only upon being popularly approved at another referendum.⁶ The presidential primary law was "half a loaf" inasmuch as the selection of the delegates to the national conventions was left with the state conventions.

might get the delegation, though the Taft supporters do not concede him the slightest chance." March 18, 1912, p. 2.

¹ Bryan was sent out to address the legislature and emphasized the pledge in the Democratic state platform. *Indianapolis News*, February 5, 1915, p. 1. Many Democrats objected to this interference by the national administration. *Indianapolis News*, February 6, 1915, p. 3. The plank was inserted only upon the insistence of the national administration, Senator Kern being sent out to Indiana at the time of the state convention.

² *Indianapolis News*, March 5, 1915, p. 1; *Indianapolis Star*, March 6, 1915, p. 8. Corroborated by a letter to the writer from Charles Kettleborough, Director of the Legislative Reference Bureau of that State.

³ *Burlington Free Press*, February 25, 1915, p. 4.

⁴ *Ibid.*, March 12, 1915, p. 4.

⁵ *Ibid.*, March 19 and 20, 1915, p. 1, and *Montpelier Argus and Patriot*, March 24, 1915, p. 1.

⁶ *Ibid.*, March 22, 1915, p. 4.

The majority of these laws were passed with practically no discussion of details. Where there was discussion it centered around three points: the power of the state to regulate delegates to the national party conventions; the advisability of providing for the election of delegates; and the question of electing delegates at large or by congressional districts. The first question was raised most heatedly in New Jersey, an opponent of the bill declaring that:

"New Jersey has no more right to attempt to fix by law the method of selecting delegates to a national convention than it has to attempt to fix the method of selecting delegates to a Knights of Columbus convention or a Knight Templar conclave."¹

In California opponents of the presidential primary bill claimed that the call of the Republican national convention requiring the election of district delegates would supersede a state law providing for the election of all delegates at large,² but the opinion of most of the state political leaders was that the state law would control, regardless of the provisions of the convention call.³

In Massachusetts,⁴ Michigan,⁵ and Maryland⁶ the method of electing the delegates was given some consideration by the press, as the conservative forces, after recognizing that they were defeated on the principle of the presidential pri-

¹ James A. Degan, editor of the *Newark Star*, made this statement in a public hearing on the Geran bill. *Trenton True American* April 5, 1911, p. 1.

² *Sacramento Union*, January 18, 1912, p. 4.

³ *Ibid.*, December 15, 1911, p. 7. The Republican convention unseated two of the Roosevelt delegates, holding that Taft, who had carried that district, was entitled to those seats. *Proceedings of 1912*, pp. 202-212. But the call for the 1916 convention expressly recognized the right of a state to elect all delegates at large. *Proceedings of 1916*, p. 9.

⁴ *Boston Globe*, March 6, 1912, p. 1 and March 14, 1912, p. 1; *Christian Science Monitor*, March 16, 1912, p. 1.

⁵ *Detroit News*, February 13, 1912, p. 2; February 29, 1912, p. 1; and March 7, 1912, p. 2.

⁶ *Baltimore Sun*, February 6, 1912, p. 6, and March 11 and 28, 1912, p. 6.

mary, made strenuous efforts to keep the choice of the delegates in the hands of the state conventions. The question of whether delegates should be elected at large or by districts was raised in California, Iowa, and Michigan and in every case the progressive leaders stood for election at large.¹

In general we may summarize the passage of the presidential primary laws as follows: They were progressive measures, but often emergency measures, passed to meet a specific situation, very often ill considered or amended into ineffectiveness because of the necessity for compromise with the conservative groups. It is significant that where the "old guard" were strong enough to force concessions they granted a preference vote but retained control of the choice of delegates in their own hands. In the light of these conditions it is not surprising that most of the laws are extremely ambiguous and that many of them are ineffective when faced with a situation totally different from that of 1912.

Efforts to repeal the presidential primary have been successful in Minnesota,² Iowa,² Vermont,³ and Montana.⁴ It is perhaps significant that the law was in operation in none of these states in 1912 and that in every instance the repeal of the presidential primary was coupled with an attempted repeal of the state-wide primary.

In Minnesota the progressives aided the conservative attack upon the presidential primary because of their disgust with its operation in 1916 when they were forced to vote for Senator Cummins as their choice for president although he was a candidate whom few of them favored.⁵ In Iowa the fact that there was no contest in either party in 1916 led even

¹ For detailed consideration of this point see Chapter V.

² In 1917.

³ In 1921.

⁴ By referendum vote, November, 1924.

⁵ *St. Paul Pioneer Press*, March 24, 1917, p. 10. This interpretation was borne out by statements made to the writer by Senators Shipstead and Magnus Johnson, December, 1923.

the most ardent supporters of the primary principle to hesitate. The *Des Moines Register* under the heading "An Inadequate Primary" concluded:

"... The future of the preference primary will be determined largely by the political events of the year. It is not worth what it costs under the present arrangement. To spend \$200,000 or more to permit 90,000 men to record themselves for one man in each of two parties is absurd."¹

The attack upon the whole primary system in Vermont in 1921 was characterized as coming from those forces "which best know how to get what they want under the old convention system."² A bill repealing the whole direct primary passed the Senate by a vote of seventeen to thirteen but was defeated by the House.³ The repeal of the presidential primary passed without much comment, partly because there was never a contest for the presidential preference in that state and the vote cast was very small, and partly because of a feeling that the law as drawn was extremely ineffective.⁴

In Montana legislative acts repealing the presidential primary law and modifying the state primary law were defeated by popular referendum in 1920,⁵ but at the general election of November, 1924 a referred measure providing for the repeal of the presidential primary law was approved by a vote of 77,948 to 57,640.⁶

¹ April 12, 1916, p. 6. Senator Brookhart explained the repeal as partly due to expense, partly to lack of competition, in 1916, and partly because of the conservative tendencies of the administration. Interview, Dec. 1923. The *Register* speaks of the 1917 legislature as having been "subjected to an organized pressure never before attempted in Iowa," but says that this pressure was resisted for the most part. April 16, 1917, p. 6.

² *Burlington Free Press*, March 5, 1921, p. 4. An attempt to repeal the law in 1917 failed. *Montpelier Argus*, January 31, 1917.

³ *Burlington Free Press*, February 18, 1921, p. 1 and March 18, 1921, p. 1.

⁴ *Rutland Herald*, May 1, 1920, p. 4; *Burlington Free Press*, May 21, 1920, p. 4.

⁵ Figures furnished by the Secretary of State.

⁶ Figures furnished by the Secretary of State. The legislature of

One other state—New York—has modified her law to the extent of giving to the state conventions the choice of all delegates at large.¹

In Nebraska an attack upon the presidential primary was part of an attack upon the entire primary system but was defeated by a two to one vote upon submission to popular referendum in 1922.² The whole primary idea has been under fire repeatedly in Indiana and there is a strong movement to repeal the primary except as it applies to local officers.³ In other states, notably New Jersey, there have been efforts to weaken the presidential primary laws in existence.

From this brief survey of the history of the presidential primaries in the states it is evident that the movement is at a standstill and that the presidential primary is being viewed with a distinctly critical air. It has suffered the fate of all movements for more direct participation of the people in government and has fallen into the background with the conservative reaction which has followed the Great War. For these reasons it is perhaps particularly fitting that the present time be chosen for an appraisal of these laws.

1923 passed an act repealing the presidential primary law, at the same time ordering a referendum vote to be taken upon it. The Governor vetoed the repeal and the Session Laws of 1923 were published without the act of repeal. After their publication it was discovered that the veto power of the Governor did not extend to referendum measures and the Secretary of State was directed to disregard his veto and to print the repeal proposition upon the ballot at the election of November, 1924. For this explanation of this rather tangled piece of legislative history the writer is indebted to a letter written by Secretary of State C. T. Stewart of Montana to Professor Arthur W. Macmahon of Columbia University.

¹ In 1921.

² The Nebraska bill provided for the selection of delegates to county, congressional, state and national conventions by caucuses and conventions. *Omaha Bee*, November 9, 1922. Defeated by a vote of 208,261 to 95,494. See Nebraska, Legislative Reference Bureau, *Blue Book*, 1924, p. 126.

³ This opinion was expressed in a letter from Charles Kettleborough, Director of the Legislative Reference Bureau of Indiana.

PART II
STATE LAWS AND THEIR
OPERATION

CHAPTER III

THE TIME OF THE PRESIDENTIAL PRIMARY

In analyzing the state presidential primary laws which have been put into effect one is immediately struck by the wide and important variations in them: they are literally as varied as fingerprints and the differences are not mere differences in detail but concern such important matters as when and for whom the voter may cast his vote, the election unit and methods of controlling delegates in the convention. Our present task is an evaluation of the effectiveness of these various provisions, leaving for Part III a consideration of the general effectiveness of all presidential primary laws taken together.

A consideration of the time when the presidential primary is held involves not only its position in the calendar year, but its relation to the national conventions and the state primaries.

The dates of these primaries cover a period of three months, from the first week in March, through the first week in June, but more than one-half of them come in the five weeks included in the last week of April and the first four weeks of May.¹ The earlier primaries have proved unsatisfactory because of the inclemency of the weather and because they are too far in advance of the convention to permit much crystallization of opinion as to candidates and issues. North Dakota holds its primary the third Tuesday in March, and in 1912, 1916 and 1920 the news of the primary returns was coupled with reports of blizzards which had swept the

¹ See Appendix A for a calendar of presidential primary dates.

state. Similar difficulty has arisen in New Hampshire, South Dakota and Montana. In South Dakota a March primary coupled with a still earlier proposal convention,¹ sometimes brings about alignments which might not have been made otherwise. For example, in 1924, Governor McMaster and Senator Norbeck came out in support of Hiram Johnson for president at the time of the proposal convention in December, 1919, long before the strength of the Coolidge boom had developed. This was the only state except his own in which Johnson was able to win the support of a strong state faction.²

The late primaries are objectionable for other reasons. In 1916, West Virginia found that the delegates to the Republican convention who were to be elected June 6 must take their seats June 7. Efforts on the part of the Republican organization to eliminate the difficulty by putting only one set of delegates on the ballot failed; the credentials committee seated the "organization" slate, and when the returns were canvassed it appeared that one of these delegates had no right to his seat, having been defeated by one of the independent candidates for delegate at large.³ As a result of this tangle the next session of the legislature changed the date to the last Tuesday in May.⁴ South Dakota prevented a similar difficulty in the same year by calling a special session to amend the law.⁵ North Carolina

¹ December of the year previous.

² In Wisconsin there has been criticism of the early primary on the ground that opinion has not crystallized with regard to candidates and issues by the first week in April. See the *Milwaukee Journal*, April 5, 1920.

³ *Wheeling Register*, June 10, 1916, p. 1.

⁴ *Special Session*, 1916, ch. 5.

⁵ The act of 1911 provided that the primary should be held the first Tuesday in June but that "in case the national convention of any political party . . . has been called to meet at a date too early to allow delegates to the same from this state to be elected at the June primary, a primary for the election of said delegates shall be held on the first Tuesday in April." The law, however, did not specify who should decide when such an emergency existed or for changing regis-

still holds her primary the first week in June but it is merely a preference primary, the delegates being chosen by the state convention previous to the date of the primary. The preference vote of this state has had no effect upon the action of the delegates in the Republican convention and can have little effect so long as it is held after the delegates are chosen and assembled at the convention.¹

In so far as any general tendency has been shown it is toward the elimination of the earliest and latest primary dates. Montana ² and Oregon ³ have shifted from April to May and in South Dakota ⁴ shifting from March to May has been considered; while California,⁵ New Jersey ⁶ and West Virginia ⁷ have changed from June or late May after experience

tration dates in those years. Accordingly Governor Byrne called a special session of the legislature, which changed the date to May 23 and amended the law in other particulars. The plan of agreeing upon a compromise delegation was considered, but abandoned because of the fear that all factions might not refrain from filing contesting delegates. *Sioux Falls Press*, January 21, 1916; January 30, 1916; February 12, 1916.

¹ In 1916 no difficulty arose because no names were entered in the preference primary. In 1920 the delegates were chosen and instructed for Judge Pritchard at a state convention held March 3. At the primary on June 7 the names of Wood and Johnson were entered and the vote was overwhelmingly for Johnson, but he got the vote of only one delegate in the convention on the first ballot and never had the votes of more than four delegates. Twenty-one delegates voted for Pritchard on the first ballot and then swung to Lowden and Harding. Ex-Congressman James J. Britt, one of the delegates in 1920, informed the writer (December 18, 1923) that the Republicans paid no attention to the primary vote because of the small vote cast and explained that the Democrats who drafted the law were thinking only of their own party situation when they fixed the primary date and had shown no inclination to relieve the Republicans of this embarrassment since.

² Changed from the third week in April to the last week in May in 1921.

³ Changed from the third week in April to the third week in May in 1915.

⁴ In 1923 the legislature changed the date from the fourth week in March to the fourth week in May. The law was held up by popular referendum and defeated, November, 1924. South Dakota has made many changes in the date of the primary. It was held June 4, 1912, and May 23, 1916. In 1917 the Richards law fixed the fourth Tuesday in March as the date and it was so held in 1920 and 1924.

⁵ Changed from second to first week in May in 1915.

⁶ Changed from last week in May to fourth week in April in 1916.

⁷ Changed from first week in June to last week in May in 1916.

showed that insufficient time had been allowed for the vote to be canvassed and the delegates to reach the conventions.

Placing the presidential primary with relation to the state primary raises important problems upon which experience sheds some light. Ten of the twenty-two states having compulsory presidential primaries now provide that they shall be held in conjunction with the state primaries; in eight states the presidential primary is held separately from other elections; while in four states it is held with local primaries or elections.¹

The two arguments most frequently advanced for holding the state and presidential primaries in conjunction are economy and the increased vote cast in the presidential primary. Unquestionably it is more expensive for a state to hold two state-wide primaries instead of one. Where they are held in conjunction the only additional expense involved is that of the printing and counting of the extra ballots; the expense of election booths, officials and general overhead remaining practically the same. If the presidential primary is held separately the cost to the state is practically doubled.

¹ The following table shows how the states are divided on this question:

<i>With State</i>		<i>With Local</i>	<i>Separately</i>	
Ill.	Ore.	N. H.	Cal.	N. Y.
Ind.	Pa.	N. D.	Ia.	Ohio
Md.	S. D.	Wis.	Mass.	Vt.
Neb.	W. Va.	Minn.	Mich.	
N. J.			Mont.	
N. C.				

It should be noted, however, that the Illinois state and presidential primaries were held separately until 1921, and that all of New Jersey's experience so far has been with separate state and presidential primaries. In 1925 the legislature provided for joint state and presidential primaries in presidential years. This law was passed over the veto of the Governor. *New York Times*, February 25, 1925, p. 6. In Illinois, Indiana, Nebraska, North Carolina, South Dakota, and West Virginia the governor is nominated in presidential years; in Maryland, Oregon and Pennsylvania he is not.

This fact is illustrated by the following figures for Cook County, Illinois, where the primaries were held separately in 1920 and in conjunction in 1924:

TABLE A

COMPARATIVE COST OF PRESIDENTIAL PRIMARY AND STATE
PRIMARY EXPENDITURES IN COOK COUNTY, ILLINOIS,
1920 AND 1924¹

	1920			1924
	Presidential Primary	State Primary	Total	Presidential and State Primary
Judges and Clerks Pay- roll	\$209,135	\$212,895	\$422,030	\$212,395
Polling place rental	31,635	32,830	64,465	51,782
Ballots	23,813	67,598	91,411	134,913
Cartage	4,000	4,000	8,000	10,595
Posting	2,370	6,984	9,354	5,060
Poll books and Tally Sheets	7,987	18,845	26,832	4,055
Canvas Covered Ballot Boxes	3,100	4,600	7,700	1,784
Sundries (printing sta- tionery and supplies)	50,000	50,000	100,000	50,000
Total	\$332,040	\$397,752	\$729,792	\$470,584

In Indiana, where the state and presidential primaries are held together, the cost per vote is about forty-four cents; while in Ohio and Iowa where they are held separately the cost is about double that amount. Other things being equal, then, it is to the state's advantage to hold the two elections together.

It is true, also, that holding the two primaries in con-

¹ Figures compiled by the Board of Election Commissioners, Chicago, Illinois. They are approximate only.

TABLE B

COMPARISON OF THE RATIO OF THE PRESIDENTIAL PRIMARY
VOTE TO THE GENERAL ELECTION VOTE WHEN PRESI-
DENTIAL PRIMARY IS HELD IN CONJUNCTION WITH
THE STATE PRIMARY AND WHEN IT IS
HELD SEPARATELY ¹

(State in caps—with state primary; states in small
letters—separately.)

<i>State</i>	<i>1916</i>	<i>1920</i>
OREGON	49.6	65.2
California	33.5	70.5
PENNSYLVANIA	42.0	47.2
New Jersey	13.9	27.3
INDIANA	49.8	53.2 *
Ohio	20.2	29.0
NEBRASKA	44.5	55.7
Michigan	41.6	50.0
SOUTH DAKOTA	39.5	62.9
Montana	19.2	30.2
AVERAGE WHERE HELD IN CONJUNC- TION	45.1	56.8
Average Where Held Separately	25.7	41.4

* No Democratic primary in that year; used Republican figures only.

junction results in a greater vote being cast in the presidential primary. In the accompanying table an effort has been made to group together states having approximately the same background in order to make the holding of state and presidential primaries separately or in conjunction the only variable factor. With one exception the percentage of the general election vote cast in the presidential primary was greater where the two primaries fell together, and in most cases it was considerably so. The high vote of Cali-

¹ Compiled from the figures used in Appendix C, Table 4. Figures for 1912 are not included because in that year no primaries were held in Pennsylvania, Indiana, Ohio, Michigan, or Montana. In that year 75 per cent of Oregon's general election vote was cast in the presidential primary; in California only 55 per cent.

fornia in 1920 may perhaps be explained by the fact that in the Republican presidential primary of that year two "favorite sons" were competing against each other and feeling ran higher than in many general elections.¹ In Illinois where the presidential primary was held separately in 1912, 1916, and 1920, and in conjunction with the state primary in 1924 the figures indicate the same thing. The average of the ratio of the presidential primary vote to the general election vote 1912-1920 is 39.8 per cent, while in 1924 the total presidential primary vote was 48.2 per cent of the combined general election vote of Coolidge, Davis and La Follette.

The advocates of separate state and presidential primaries have urged that holding them together increases the burden placed upon the voter at one time, that a confusion of issues or the eclipse of one contest by the other results, and that it necessitates too long a state campaign.² It is rather difficult to evaluate some of these contentions. Unquestionably the task of the voter at that primary is increased, but he is relieved of the necessity of going to the polls again in a short time. If non-policy-forming state positions were eliminated from the ballot by the adoption of the "short ballot" principle this objection would lose most of its force. In Oregon the two have been held in conjunction without apparently overtaxing the patience or intelligence of the voter,³ although the arrangement of the names on the ballot

¹ Complete sets of Johnson and Hoover delegates were entered and feeling was strong on the question of the League of Nations.

² Senator Darrah, in introducing his bill in Iowa, urged separate primaries because "we ought to divorce state and national politics so far as it is possible." *Des Moines Register*, February 13, 1913. I. D. Evans, author of the Nebraska law, expressed similar sentiments: "There is too much for the voter to grasp in such a primary to obtain really intelligent action. Either the selection of state officers or the presidential primary will be to some extent neglected in the scanning of such an abnormally long ballot." *Omaha Bee*, January 10, 1912.

³ M. Barnett, and Mr. U'Ren of the People's Power League, both agreed that holding the two in conjunction had no detrimental effect upon either.

is very poor.¹ In Indiana, Maryland, Nebraska, South Dakota, West Virginia, North Carolina and Pennsylvania no objection has been raised to the practice. In the Illinois primary of 1924, when the two primaries were held in conjunction for the first time, the ballot was unusually long and complicated and protests were heard. The advisability of holding the primaries together in a state with as complicated a primary ballot as Illinois is doubtful.

Experience shows that where the two primaries are held in conjunction state issues sometimes eclipse national issues and vice versa. However, holding the primaries separately does not insure interest being taken in both contests: if there are real issues in either the state or national contest they will come to the front regardless of whether the primaries are held jointly or separately.² Occasionally there appears to have been confusion of state and national issues when the two primaries were held in conjunction. In Nebraska in 1916 the national contest for delegates to the Democratic convention turned not upon any national question but upon whether Nebraska in that year preferred a "wet" Hitchcock or a "dry" Bryan, and again in 1920 the control of the national delegation was inextricably interwoven with the fight between the Bryan and Hitchcock

¹ See Appendix D, Exhibit III for a copy of the ballot.

² In West Virginia in 1920 interest centered in the fight for the gubernatorial nomination; in Indiana and Maryland, interest in the state contest has always predominated; in 1916 state issues were paramount in the Democratic primaries in almost all of the states. Mr. Barnett, and Mr. U'Ren of the People's Power League, both hold that in Oregon holding the primaries together has not affected the interest or issues in either contest. Charles Kettleborough says of Indiana: "The holding of presidential and state primaries at the same time has never had any perceptible effect in this state since there has never been any very ardent contests for President in the primary in this state and the amount of interest devoted to the presidential primary would hardly have detracted from the interest displayed in the state ticket." Letter to the writer, February 21, 1924.

forces for control of the gubernatorial nomination.¹ The same thing happened in the Republican primary in South Dakota in 1924, when the state preference for president went to Johnson not so much as a result of any stand on national issues but because Johnson was supported by Governor McMaster, candidate for the nomination for senator, and a vote for Johnson was indirectly a vote for Governor McMaster's agricultural policies and an endorsement of his efforts to keep down the price of gasoline. In the 1924 Democratic primary in Illinois the fate of the McAdoo delegates depended upon the fate of the anti-Brennan state slate, and national questions played a very small part in the campaign.

On the other hand this same confusion of state and national issues is found where state and presidential primaries are held separately. The "stalwart" and the "Non-Partisan League" factions of North Dakota and Montana carried their fight for control of the state into the presidential primaries,² and the 1924 Republican contest in California was

¹ In 1916 Bryan, as candidate for delegate at large to the Democratic convention toured the state in the interests of a "dry" Nebraska and flayed Hitchcock as wet. See *Omaha Bee*, April 16, 1916; p. 1. In 1920 Bryan attacked Hitchcock as an opponent of prohibition and woman's suffrage, but the fight between the two factions also involved the governorship. See *Omaha Bee*, March 10, 1920; March 11, 1920; April 2, 1920; and April 18, 1920.

² In 1920, although Johnson refused to recognize the Non-Partisan League groups in Montana and North Dakota or to admit that he was their candidate it was generally conceded that he had the support of these groups. In Montana members of the group were known as the "Shelley-gates" and put up a complete list of pledged-to-Johnson delegates which became famous as the "A-B-C delegation" because all of their names began with early letters of the alphabet. The regular state organization denounced it as "a deliberate and carefully planned attempt to trick the Republican voters." *Helena Independent*, April 14, 1920. In North Dakota there was a split between the "regular" and the "N. P. L." factions in the state committee, the former urging a compromise, unpledged delegation in the interest of harmony, the latter putting up a pledged-to-Johnson slate. The *Grand Forks Herald* branded it a clear-cut contest between two lists of delegates, one representing

not between the national policies of President Coolidge and Senator Johnson, but between Senator Johnson and Governor Richardson for control of the state. In 1916, La Follette's campaign before the presidential primary was more an attack upon Governor Philipp's state administration than an exposition of his own national policies. There could have been no more complete fusion of issues if the primaries had been held on the same day.

Apparently when national issues are not well-defined and there is a distinct cleavage between two state factions this cleavage will be carried into the presidential primary. It should be noticed, also, that there is usually a fundamental connection between the cleavage in state politics and the lineup within the party upon national questions. For example, the issue between Bryan and Hitchcock in Nebraska state politics was closely connected with a fundamental division between the progressive and conservative wings of the Democratic party. In 1912, Hitchcock was a Harmon man, while Bryan supported Clark, and later Wilson. In Wisconsin the division between La Follette and Philipp Republicans on state questions is fundamentally the same as the division between the progressive and conservative wings of the national party. In Michigan in 1920, "Newberryism" was in one sense a local issue but in another sense a national question within the party, just as was "Lorimerism" in Illinois in 1912, and the Non-Partisan League vs. conservative division in North Dakota and Montana in 1920.

It must not be forgotten that United States senators and representatives in Congress are nominated in what are called "state" primaries and that a logical separation of state and national issues calls for the nomination of senators

the "Republicanism of the state" and the other "the state's Socialism" and held that the election was "much more significant than a mere preference for president." March 7, 1920.

and representatives separately from purely "state" officers. If such a separation is necessary it can be effected only by nominating United States senators and representatives at the same time that delegates to the national nominating conventions are elected, and including in the state primary only the nomination of strictly *state* officers. This might be carried to the extent of nominating state and national officers in different years.¹

So far as the writer has been able to ascertain, the states holding joint presidential and state primaries do not object to the long state campaign involved. In the states which previously held their state primaries in June the shift of about a month can have little effect. In Oregon, which holds its state primaries in the fall except in presidential years, the only objection comes from those opposed to the presidential primary as such. What actually happens is that politics go into abeyance between the primary and the national conventions and that the real state campaign is very little longer than formerly.

The experience of the states so far shows that holding state and presidential primaries jointly is less expensive and that it tends to result in a larger vote in the presidential primary. Nor does the evidence available indicate any necessary confusion of issues or any objection to the long state campaign involved. There appears to be no reason why the two primaries should not be combined where the state primary ballot is "short." This would remove one of the objections so often made against the presidential primary—that it is an expensive luxury seldom used. The presidential primary might then sink into the background when no real contests arose and yet become an effective weapon in a situation similar to that of 1912.

¹ This would not be possible, of course, if annual terms for members of the lower houses of the state legislatures were retained.

CHAPTER IV

PROPOSING CANDIDATES

In the present chapter it is proposed to give consideration to those problems which have arisen in connection with the proposing of candidates for the presidential preference and for delegates to the national convention.

The laws which have been put into effect provide various methods for putting the names of presidential aspirants upon the ballot, the most usual methods being by declaration of candidacy on the part of the candidate, or by a petition signed either by a fixed number of electors or by a certain percentage of those voting at the last general election. Eleven states use the petition method.¹ Four of these states—Montana, Nebraska, North Dakota and Wisconsin—specifically provide that candidates' names shall be placed upon the ballot without any petition or acceptance on their part; in New Jersey, although the candidate's consent is unnecessary, the law allows him to keep his name off the ballot if he so desires; while in Vermont the written consent of the presidential nominee is necessary before his name may be put on the ballot. In Illinois, Indiana, Michigan, Minnesota and Pennsylvania there is no stipulation regarding the candidate's consent.

In five states the candidate may get his name upon the ballot only by filing a "declaration of candidacy" ² while in

¹ Illinois, Indiana, Michigan, Minnesota, Montana, Nebraska, New Jersey, North Dakota, Pennsylvania, Vermont and Wisconsin so provide.

² Alabama, Iowa, Maryland, North Carolina and Ohio. In Maryland a fee of \$270 is required.

Oregon either the petition or the declaration of candidacy may be used. The Texas law provided that names should be put upon the presidential preference ballot by the state central committees of the parties.¹ The most unique provision is that of the Richards law in South Dakota where aspirants may have their names put upon the ballot in three ways: by action of the majority in the proposal convention, by a protesting minority, or by independent petition.

These are the legal provisions; in actual practice declarations of candidacy are usually initiated by local supporters within the state, rather than the candidate himself, petitions are often circulated at informal state conventions, and cases are not lacking where the state party committees have taken the initiative in filing names.²

The chief problem which has arisen in this connection is whether it is possible or desirable to force unwilling and bashful candidates to permit their names to be printed upon the primary ballots. This question became particularly pertinent in 1916 when Hughes and Roosevelt—the only real candidates for the Republican nomination—refused to permit their names to be submitted to the voters. Without exception, secretaries of state have acceded to the wishes of those who are unwilling to become candidates and have withdrawn their names at their request,³ regardless of the fact that in some cases the law provides that names shall be printed upon the ballot without any petition or acceptance

¹ Declared unconstitutional in *Waples v. Marrast*, 108 Texas 5, and never put into effect.

² These practices are, for the most part, the same as those used in proposing candidates for delegates and will be considered more fully below. In Montana in 1916 the Republican State Committee appointed a sub-committee to look over the field and file all names prominently mentioned for the presidency. Eight names were filed, most of which were withdrawn. See *Helena Independent*, Feb. 13, 1916, and March 16, 1916.

³ This has been done in Illinois, Iowa, Maryland, Michigan, Minnesota, Montana, Nebraska, New Jersey, North Dakota, Ohio, Oregon, and Vermont.

from the presidential candidate.¹ Where names must be put upon the ballot by a declaration of candidacy on the part of the presidential aspirant, or where the law definitely provides that the candidate's consent shall be necessary before his name may be put upon the ballot the candidate's power to keep his name off the ballot is, of course, unquestioned.

In two states the question whether an individual may be forced to become a candidate has been taken to the courts and diametrically opposed decisions have resulted. In Oregon, in the case of *McCamant v. Olcott*,² the Supreme Court of the state granted a writ of mandamus to a Hughes supporter, compelling the Secretary of State to put Hughes's name upon the ballot after it had been removed at his request. In its decision the court laid great stress upon two points:

1. That the law provided that every qualified voter should have opportunity to vote his preference for president, either by writing in or marking a cross after a name printed on the ballot.

2. That "the preferential vote cast in his favor does not nominate him for President, but is merely advisory to and morally obligatory upon the delegates chosen to represent the party in the national convention. . . ."³

The court also took into consideration the dictionary meaning of the term "candidate"; the fact that no one would question the validity of votes "written in" for Hughes; and

¹ Secretary of State Pool of Nebraska gave a very ingenious reason for acceding to Hughes's wishes in 1916. He notified the signers of the Hughes' petition: "Exercising the authority which I feel I am warranted in using, I have decided to follow the wishes of Justice Hughes in this particular, believing that he, as a member of the highest court of the land, would not request me to do that which was contrary to the existing laws. Should you feel that I have erred in this ruling, I shall be pleased to have you take it before the courts of our state for final adjudication." Quoted from the *New York Times*, Nov. 23, 1915.

² 156 *Pac. Reporter* 1034 (April 25, 1916).

³ *Ibid.*, p. 1036.

the fact that the law provided two alternate methods of proposal, one by the candidate himself and one independent of any action on his part.

In the North Dakota case the same point arose and an opposite decision was reached.¹ In this case La Follette had withdrawn his name and the Secretary of State had acceded. Upon action of La Follette supporters the district court issued an order restraining the Secretary of State from issuing ballots without his name. Upon rehearing the writ was quashed and this action was sustained upon appeal to the Supreme Court of North Dakota.² The decision of the court turned principally upon the wording of the presidential primary law which provides that

“the qualified electors of the political parties subject to this law shall have opportunity to vote for their preference, on ballots provided for that purpose, for their choice among those aspiring to be candidates of their respective parties.”

The court held that inasmuch as La Follette had requested that his name be withdrawn he was not an “aspirant” within the meaning of the statute. But the court also gave weight to the fact that the statute had been previously construed by the Secretary of State as authorizing him to withhold the name of one when so directed, and that the legislature had not seen fit to amend the law after the Secretary of State had so construed it.³ Similar reasoning in other states would mean affirmation of the action of secretaries of

¹ *State ex rel. Kinzer v. Hall as Secretary of State*, 197 Northwestern Reporter 770 (March 12, 1924).

² The situation was complicated by the fact that Johnson supporters backed the action to have the name of La Follette removed and a great deal of bitterness was created between the Johnson and La Follette forces by their action. A “write in” campaign resulted in La Follette standing second to Coolidge in the final vote, with Johnson third.

³ In 1920 William Jennings Bryan’s name was omitted from the Democratic ballot at his request.

state in withholding the names of candidates at their request, in the absence of more specific statutory provision to the contrary.

The advisability of permitting voters to "draft" their candidates is a debatable question. If the presidential primary is to function effectively the voters should have the opportunity to vote for whom they choose. But on the other hand it seems unreasonable to force a person to become a candidate when he may have personal reasons for not wishing to. Moreover, if candidates are debarred from withdrawing their names it is possible for one faction to propose the names of several of the leaders of the opposing faction in an effort to "split" the vote of that faction. If some form of presidential primary should be extended to all states and the vote in these primaries practically determine the nomination, there would probably be no necessity for permitting voters to draft their candidates, for the merely "bashful" candidate would be forced into the primaries or lose all chance at the nomination.

Under existing circumstances the difficulty will be largely obviated if the emphasis is put upon the election of delegates known to support the popular preference, rather than upon the preference vote.¹ In that case no candidates for the presidential nomination would be entered, but instead delegates favoring certain candidates for the presidency would be voted upon. This is the scheme in use in California and in Massachusetts, and in other states the laws have operated in this way although the statutes provide for a preference vote. For example, in Wisconsin in 1924 the Democrats could not cast a preference vote for Governor Smith because he refused to permit his name to be entered, consequently a group of delegates favoring his nomination, and with that fact stated after their names on the ballot,

¹ See chapter VI below for a full discussion of this point.

was entered. In casting a vote for his presidential preference the elector had to choose between McAdoo and Senator Reed, but in selecting *delegates* his choice lay between one list favoring Smith and another favoring McAdoo and a majority of the Smith delegates were elected. No secretary of state has ever refused to certify the names of candidates for delegate because they gave a preference for a presidential aspirant who had withdrawn his name from the preference primary. Under the California law candidates for delegate must have the approval of the candidate for president whom they presume to support. In 1920, although Herbert Hoover was not an avowed candidate for the presidency the Secretary of State ruled that a list of delegates might appear on the ballot as favoring him so long as he did not repudiate them.¹ Under such an arrangement the voters are not limited to active candidates and yet it is unnecessary for a reluctant candidate to declare himself.

In the majority of the states where delegates are elected their names must be proposed by petition,² although in three states³ a simple declaration of candidacy is sufficient, and

¹ In giving his ruling on this point Secretary of State Jordan said: "If a petition of a group of delegates in proper form, with the requisite signatures of qualified electors, duly certified by the county clerks and registrars of the state is presented in favor of the presidential candidacy of Herbert Hoover on the Republican ticket, and this petition is presented in behalf of a state political organization created in behalf of his candidacy not lacking in authority to endorse him, and such endorsement is not repudiated by Hoover, the group of delegates will be placed upon the Republican ballot in the preference column as delegates favoring Herbert Hoover." Quoted in the *Sacramento Union*, March 16, 1920. In 1923 the law was amended to permit such support of the candidacy of said presidential nominee "as shall not be repudiated by him as lacking authority to make such endorsement . . ." *Laws of 1923*, ch. 23. Lieutenant Governor Young of California, who wrote the presidential primary law and was responsible for this amendment, told the writer that he suggested the amendment to eliminate doubt on this point if a case similar to the Hoover incident should arise in the future.

² This is the case in California, Illinois, Iowa, Massachusetts, Montana, Nebraska, New Jersey, New York, North Dakota, Pennsylvania, Texas and Wisconsin.

³ Minnesota, Ohio and West Virginia.

in two¹ either method may be used. In South Dakota, majority and minority lists of delegates are chosen at the convention, while independents may file by petition.

But these simple legal provisions have been supplemented by much more complicated and interesting processes. In actual practice these lists of delegates are sometimes made up at unofficial conventions, at informal caucuses of important party members, by the campaign committees of the various presidential candidates, by the party state central committees, and sometimes by the national committeeman or the chairman of the state committee.

In New York State both parties have put up "slates" of delegates at large at unofficial state conventions and independent candidates have never succeeded in "breaking" these slates at the primary.² These conventions are made up as the state committee sees fit, usually being composed of members chosen by the assembly district committees, and are strictly "organization" controlled.³ In North Dakota the unofficial convention has been used by both the organization and independent groups within the parties. This is well illustrated by what happened in the Republican party in 1920. At that time the Republican state party committee was split between the "stalwart" and the "Non-Partisan League" members, the latter being in the majority. One convention was called by the national committeeman in an effort to bring about a compromise delegation; a second was called by the six simon-pure Republicans on the state committee; while the third assembled at the call of the majority,

¹ New Hampshire and Oregon.

² In 1912 and 1924 delegates at large were not elected. In 1912 a few Roosevelt candidates for district delegates were elected against the opposition of the organization.

³ In 1916 the Democratic convention was composed of three members from every assembly district, chosen by the assembly district committee.

or Non-Partisan League, group.¹ Unofficial conventions have been used also in Illinois, California, Nebraska, West Virginia and Wisconsin.² The practice of selecting lists of delegates at informal conferences of party leaders has been resorted to in New Jersey, Pennsylvania, Ohio and New Hampshire and is undoubtedly more generally employed than press announcements would indicate.³ In numerous instances the Democratic state committees have acted in the selection of delegates especially where there was no contest in prospect.⁴ Occasionally the Republican state committees have acted in the same capacity, as for example in North Dakota in 1916 when the State Central Committee drew up a compromise "slate" in opposition to a slate proposed by the Progressive-Republican League.⁵ Where division of opinion within the party is clear-cut the groups of delegates are more often put forward by "leagues" backing the candidacies of individuals or by the duly authorized state campaign committees of these individuals.⁶

Oregon is the only state in which there is no evidence of delegates having been openly proposed in "slates" or groups by state committees, pre-primary conventions, or confer-

¹ See the *Grand Forks Herald*, January 24, 25, 29, and Feb. 18, 1920.

² In Illinois by the Democrats in 1924; in California by the Republicans in 1920 (made up of the members of the state committee and of the county committees); in Nebraska by the Republicans in 1916; in West Virginia by the Republicans in 1916; and in Wisconsin by the Democrats in 1916 and 1920.

³ In New Jersey the Democrats have selected their delegates at large at a conference made up of the chairmen of the local party committees. *Newark News*, March 4, 1920.

⁴ In 1916 the state committees drew up slates of delegates in California, Illinois, Iowa, New Jersey, Ohio and West Virginia.

⁵ *Grand Forks Herald*, January 26, 1916.

⁶ In California in 1912 the Wilson delegates were named by the Woodrow Wilson League, *Fresno Republican*, February 25, 1912; and the Roosevelt Progressive Republican League named Roosevelt delegates, *Fresno Republican*, Feb. 29, 1912. In Nebraska in 1920 the campaign committees of Wood, Johnson and Pershing, respectively, proposed delegates, *Omaha Bee*, Jan. 9, 1920.

ences; in that state proposing delegates has been a matter of individual initiative consistently.

Is there opposition to such extra-legal methods of proposing candidates? In several instances objection has been made to such action by the state committees,¹ and the objection would seem to be well founded. The party state committees should remain neutral in such contests for two reasons:

1. It is unfair to throw the power and influence of the state organization behind any one candidate.

2. It makes it difficult for the state committee to effectively unite all factions behind the winning candidate in the final campaign against the opposing party.

The practice of holding pre-primary conventions of any sort has been consistently frowned upon in Oregon as being contrary to the spirit of the primary law, although there has been some attempt recently to open discussion of the desirability of such a practice.² In other states, however, such

¹ North Carolina Republicans in 1916; North Dakota Republicans in 1912 and California Democrats in 1912. But in the case of California the Democratic State Committee would have acted if it could have come to any agreement. See *Sacramento Union*, January 28, 1912.

² In 1910 a so-called "assembly" proposed candidates for the Republican nominations but the tactics of the group behind that convention caused a storm of protest and the practice has not been resorted to since. But early in 1924 it was suggested that the annual Lincoln's day dinner be turned into an informal Republican convention, all precinct committeemen being invited to attend. The plan was dropped as being unfair to the candidates already in the field, but at that time Walter L. Tooze, Jr., chairman of the Republican State Committee, said that although no convention would be held in 1924 there was a real demand for such a convention and one might be held in 1926. He added: "I believe that each political party should hold a pre-primary convention and that the direct primary should be retained as a referendum upon the convention's acts. I am firmly convinced that the holding of secret conventions and the back-door manipulations of the politics of the state are inimical to the best interests of the people, tend to divide the people in factions, classes and blocs, and that the best way to do away with these sinister influences in our affairs of state is to hold the open convention by regularly constituted political parties. . . ." *Portland Oregonian*, December 24, 1923, p. 16, 2.

action has been taken by independents as well as by the "organization," little objection has been made to it, and it has not tended to throw the primary into disrepute. In many ways it is desirable to have delegates proposed in "slates" and to have these slates made up in open conventions or conferences which are given sufficient publicity to enable the voters to know exactly what group is behind a particular candidacy. Unless delegates are proposed and voted for in groups, ridiculous complications result and the real wishes of the voter are obscured. Unless the forces behind particular candidacies are brought into the open it is possible for extra delegates to be entered in an effort to "split" the vote of an opposing group. For example, in New Jersey, in 1912, the names of "extra" Wilson delegates were introduced in several districts and it was charged that these names were filed by the Smith-Nugent faction in an effort to split the vote for Wilson delegates and elect their own anti-Wilson men.¹ In Massachusetts, in 1912, the preference vote of the state at large went for Taft, but Roosevelt delegates were elected because the name of an extra pro-Taft delegate was filed and drew sufficient votes from the other eight Taft delegates to throw the vote for delegates at large to Roosevelt.² If it had been possible for delegates to be proposed in a group, if the proposers of those candidates had been known, and if it had been possible to vote for delegates in a group, such a situation would have been impossible.³

Pre-primary conventions and conferences are desirable and probably inevitable, but should they be legalized? This would seem to be an open question. South Dakota is the

¹ *Newark News*, January 22, 1912, p. 2.

² *New York Times*, May 3, 1912.

³ The whole question of proposing names is closely connected with methods of controlling delegates and the form of the ballot considered in chapters VI and VII.

only state which has made such provision and as this law has been in effect during only two presidential contests the experiment is insufficient to justify general conclusions. In 1920, General Wood received the endorsement of the majority in the pre-primary convention and won the preference primary after a heated contest with Lowden and Johnson. In 1924, on the other hand, Coolidge was endorsed by the convention, but Johnson carried the primary. It should be noticed, however, that in that fight Johnson had the endorsement of Governor McMaster, who as candidate for United States senator had the endorsement of the convention, and that the whole force of the state organization was behind the Johnson candidacy. In both cases, the candidate having the backing of the state machine carried the primary, but in one case that candidate did not have the endorsement of the convention. Certainly the South Dakota experience shows that lack of contests or of interest does not necessarily result when endorsement is made by a legalized convention. As to whether opposing candidates are put at a disadvantage, the evidence is inconclusive. However, there would seem to be circumstances—such as the Democratic situation in 1916—in which the holding of such conventions would be an unnecessary expenditure of money unless these conventions had other functions to perform. In most cases the present system of unofficial conventions as occasion demands would seem to serve the same purpose as well as the legalized convention and yet give the flexibility which is desirable. For that reason it would seem advisable to have delegates proposed by whatever method seems to be demanded by the political situation at the time.

The same end which is served by the legalized state convention might be obtained by permitting the proposal of delegates in slates or groups by a proposal committee, the members of which were publicly announced, and who were

authorized to act in all matters affecting the group. Moreover, this proposal committee could represent also the interests of the candidate for the presidency whom they favored unless disavowed by him. Independent candidates for delegates should be permitted to file but should not be given the benefit of appearing in the group.¹

The presidential preference vote as such should be eliminated, thus making it unnecessary for candidates for the presidency to file personal declarations of candidacy. Candidates for delegate should file declarations of candidacy stating their preferences for president. Delegates should be proposed in groups and no restriction should be placed upon the proposal of such groups by informal conventions or caucuses. Presidential candidates should be permitted to disavow any delegate whose support he considered detrimental to his own interests.

¹ This is essentially the scheme in use in California.

CHAPTER V

ELECTION OF DELEGATES AT LARGE AND ELECTION BY DISTRICTS

Delegates to national conventions may be elected by the state at large or by districts. In their presidential primary laws most of the states provide for the election of two delegates from each congressional district and the election of the remainder of the delegation from the state at large. But in California, North Dakota and South Dakota, the laws provide for the selection of all delegates at large, and in Montana they have been elected at large, for the most part.¹ In Iowa a compromise was effected between the two ideas

¹ The Montana situation is a curious one. The initiated law of 1912 was largely taken from the Oregon law of 1910 and provided: "Every qualified voter shall have the right to vote for the election of one person and no more to the office of national delegate for his party . . ." (Montana, *Laws of 1913*, p. 591), and was probably intended to insure minority representation on the delegation after the plan of the Oregon law of 1910. When the law was put into effect in 1916 the Attorney General was called upon to render an opinion on this question and he held that the provision above quoted could not be given literal construction, "for the very evident reason that such a construction would be in effect a disfranchisement of the electors. It is fundamental that an elector under our state constitution and system of government has a right to vote for one candidate for every office to be filled. Hence any attempt to limit him to vote for one candidate, when eight are to be selected . . . is in contravention to these fundamental principles." (Attorney General: *Report and Official Opinions*, 1914-16, p. 333. Dated February 14, 1916.) In 1920 the question was again raised by the conservative *Helena Independent*, which said in an editorial: "By the old convention system the political machine had full operation, and those opposed to the machine or in the minority could not obtain any representation on the delegation attending a national convention. It was generally recognized that this was not fair or right, and it was undoubtedly to correct this abuse that the law expressly provided that a qualified elector shall vote for but one delegate. . . . The principle of majority rule should of course apply in the affairs of a political party of a state; but where there is a disagreement between the minority and majority

by providing for the election of delegates by districts and for taking a vote regarding whether they should be instructed by the presidential preference vote of the state at large or of the districts,¹ while in at least one state—Oregon—custom has held the presidential preference of the state at large binding upon the delegates elected by the districts, as well as those elected at large.

The election of delegates by districts has been urged on the ground that:

1. Where a state is divided into sections with sharply differentiated interests all sections and all interests are represented of a party in a state over a national question which is to be decided at a national convention there is no reason why the majority should be able to prevent the minority from having a representative at the national convention. . . ." (*Helena Independent*, April 14, 1920, p. 1.) The editor attempted to get a writ of mandamus from the Supreme Court commanding the Secretary of State to print the ballots with instructions to the electors to vote for *one* instead of *eight* delegates but the case was thrown out without an opinion. (See *State ex rel. G. E. La Follette v. Charles T. Stewart*, memorandum in 57 Montana 615.) In 1921 the law was amended to omit the words "Every qualified voter shall have the right . . . to vote for the election of one person, and no more, for the office of national delegate for his party." (*Laws*, 1921, ch. 206.) The law still provides that the candidates "equal to the number of delegates to be elected by each party . . . receiving the highest number of votes for such office, shall thereby be elected." This would seem to imply that all delegates were to be elected *at large*, but in 1924, although the Democrats elected all of their delegates at large, the Republicans elected partly by districts.

¹ This provision was worded in a very faulty manner, for on the ballot were printed two propositions as follows:

"Shall the district delegates be instructed by vote of the state at large?"

Yes

No

"Shall the district delegates be instructed by vote of the congressional districts?"

Yes

No

In 1916 *both* propositions carried! But as the affirmative vote for the state-wide instruction was 5,000 greater than the affirmative vote for district instruction the Secretary of State advised the delegates that they were bound by the vote of the state at large (*Des Moines Register*, May 7, 1916, p. 5.) In that year it made no particular difference, inasmuch as there was no contest in either party, but serious complications might have resulted if the law had not been repealed.

sented on the delegation and not merely the majority faction in the party.¹

2. It makes the ballot less clumsy.

3. The voters will have a personal knowledge of the ability and policies of the candidates for delegate which it is impossible to have when they are elected from the state at large.

4. Electing all candidates at large plays into the hands of the "machine" and renders campaigning too expensive.

In 1912 the point was raised, also, that the district plan of election conformed to the call of the Republican National Committee.

On the other hand the election of all delegates by the state at large has been advocated for the following reasons:

¹ In California, Senator Wright, who finally voted for the bill carrying the at large feature explained his vote as follows: "... I have voted for the preferential primary bill in its present form because I am a firm believer in the right of the people to express their choice for President. But there is written in the bill another provision which denies to the electors of the several congressional districts the right to select their own delegates to national party conventions. As a Republican I can never subscribe to a doctrine so arbitrary and tyrannical. It denies to the voters of my congressional district the right to select their own representatives to national conventions. . . . It provides a method by which the voters residing in the country districts allied with the voters of Los Angeles may elect those who are to represent San Francisco in national conventions. Under its provisions the voters of San Francisco, Los Angeles and Oakland might select the delegates to represent the electors of my congressional district in total disregard of the wishes of the people residing within that district

"By the enactment of this provision you have bowed down to political expediency and have departed from the straight path of principle. You have disregarded in its enactment a principle as old as the Declaration of Independence, namely, the right of representation. . . . It may chance under the provisions of such a law that the majority of a party in a district will be disfranchised. The majority being thus unrepresented in a national convention, they will be deprived of any vote in framing a platform which will determine the policies on which the party may go before the people." (*California: Journal of the Senate, Extra Sessions, 1911*, p. 439.) The question of the election of delegates at large caused considerable discussion in California because the Johnson administration was accused of having included that feature to insure control over the entire California delegation. The *Sacramento Union* said: "The California presidential primary was not intended to be 'fair and representative,' but was designed to

1. That the election of all delegates at large is advisable because presidential electors are so chosen.¹
2. It insures harmony between the preference of the voters of the state at large for president and that of the delegates who are to carry out that preference in the convention.²
3. It gives the state a united delegation that can have much more force in the convention.³

The actual operation of these laws has demonstrated the effectiveness of the election of delegates at large in rather unforeseen ways. The experience of California, North Dakota, South Dakota and Montana indicates that under this plan of election divisions of opinion within the party are more likely to be brought to a clear-cut focus, and that contests are less likely to degenerate into purely factional fights for district leadership. This has been particularly true in California, and in South Dakota under the Richards law, where election at large is coupled with the grouping of candidates favoring a particular presidential aspirant.

prevent San Francisco and other sections of the state from sending Taft delegates to Chicago. . . . If no presidential preference primary law at all had been passed at the extra session, Taft undoubtedly would have had part of the delegation. The purpose of the new law was to prevent him from getting any delegates from this state." (January 10, 1912, p. 4.)

¹ See defense of the at large scheme by C. C. Young in *Primary Election Laws of California, with Annotations and Analysis by the Author of the Bills*, issued by the Secretary of State, February, 1912 and September, 1915. In the *Fresno Republican* of March 14, 1912 Chester Rowell defended the at large method of electing convention delegates on the ground that presidential electors are chosen that way. ". . . Whatever choice of method is made, it should be made as to both. For one of the purposes of nominating a party candidate is to select the man who can get the electoral votes which will put that party in power and its principles into effect."

² See statements of C. C. Young, *op. cit.*

³ In the 1915 pamphlet (*op. cit.*) C. C. Young said with reference to this point: "There is a considerable practical advantage, also, in enabling the state to act as a unit in the convention. States in which the votes of the delegates are evenly divided between opposing candidates lose their influence and power of leadership by their very division, and are of much less weight in determining the issues of the convention than are far smaller states which are able to put forward the strength of a unified and harmonious delegation." (P. 52.)

The California contests of 1916 and 1920 illustrate the point under discussion. In 1916 the Republican party was divided between the "old guard" conservatives, the progressive Republicans who desired fusion between the Republican and Progressive groups, and a small band of "die hard" Progressives who wished to continue the third party at all cost. The old guard controlled the Republican party organization, but the progressive Republicans controlled the state administration. The two groups were as widely separated on questions of principle as in 1912, and differed in their attitude toward the nomination; the old guard wishing to prevent the nomination of Roosevelt but willing to accept Hughes, the progressive Republicans wanting Roosevelt but not being hostile to a man of the Hughes type. In all probability neither group would have been willing to risk a state-wide contest if it had been possible for them to enter only in the districts where they felt strongest. The real issues would have been submerged in local contests on purely local questions and state leaders would have found it unnecessary to come out openly on the questions at issue. But the election of all delegates at large forced a significant, state-wide contest. The same thing was true in 1920 when Johnson was an avowed candidate for the presidency and was opposed by the Hoover forces.¹ Under the district plan the Hoover people probably would have contested only a comparatively few southern districts, but under the California law they were forced to risk a state-wide contest, or make none at all. As a result the state had one of the most interesting contests in its history, with the League of Nations and the more subtle controversy between the Johnson and Richardson forces for control of the state as the issues.

It cannot be claimed, of course, that clear-cut, open, state-

¹ Wood, Lowden and all other candidates made no fight in the state out of deference to the California "favorite sons."

wide contests are possible *only* where delegates are elected at large—the contests in Wisconsin have been strikingly similar to those in California, for example, and yet Wisconsin operates under the district plan. Nor can it be contended that election of all delegates at large *insures* contests of that type—it was not the case in Montana and South Dakota in 1916 in the Republican party, for example. Moreover it is extremely difficult in situations of this kind to isolate causes and to determine what may have been the result of the grouping system and of election of delegates at large, and what is really the result of the general political situation within the state. But in following through these contests in the various states the writer has been forced to the conclusion that a contest over a definite, clear-cut issue is *more likely* to result under the “at large” plan.

There are indications, also, that election of delegates at large tends to promote responsible leadership rather than to play into the hands of the “machine.” When delegates are proposed by districts it is seldom known who has selected them or what forces they represent. When all are elected at large the forces promoting the candidacy of certain individuals for delegates, or of a certain individual for president, are more likely to get together, agree on a list of candidates, and as a group back their candidacy. Sooner or later the backers of groups of delegates become generally known. It is perhaps not without significance, too, that in those states where the question of district versus at large election of delegates was the subject of debate at the time of the passage of the laws the district method was advocated by the old-line, machine politicians.¹

¹ In California the fight for district election was led by Senator Wright, a member of the old Southern Pacific machine group. (F. Hichborn: *Story of the California Legislature of 1911*. In Iowa the district plan was advocated by Representative Stipe. (*House Journal*, 1913, pp. 306 and 459.) This bill was described as the “standpat” idea of a primary. (*Des Moines Register*, February 7, 1913, p. 1 and

The states which have used the at large plan show no dissatisfaction with its operation. In California, although there was considerable opposition to this feature in 1912,¹ all groups seem satisfied with its operation now and willingly risk all in one primary on the chance of gaining all at some other time. Nor has objection been made to the plan in the Dakotas or in Montana. This is in spite of the fact that there have been occasions when the preference of certain districts has not coincided with the preference of the state at large. In California in 1916 the 7th district (including Fresno) was carried by the "United Republicans" although the state at large was carried by the so-called "Regulars"; in 1920 Hoover carried one Los Angeles district, although the state was overwhelmingly for Johnson; and in 1924 Johnson carried five congressional districts, while Coolidge carried only six. The same thing has happened in South Dakota, where, in 1920, Johnson carried the 1st district although Wood carried the state as a whole. It should be noted, however, that the California Republican primary of 1924 is the only case where there has been a very even division of opinion and a consequent lack of representation of a strong minority.

Although the at large scheme of election has worked effectively in California, Montana, North Dakota and South

Sioux City Journal, April 20, 1913, p. 2.) In Michigan the district plan was said to have been urged by Senator Moriarity, against whom Governor Osborn made sensational charges of having switched his vote from "for" to "against" the presidential primary bill at the behest of the "interests." (*Detroit News*, March 4, 5 and 6, 1912.) As finally passed the bill provided for the selection of all delegates by the state conventions.

¹ The fact that one San Francisco district was carried by Taft, although the state as a whole went for Roosevelt, gave grounds for the famous contest in the Republican National Convention of 1912 which resulted in the unseating of the two Roosevelt delegates from that district in direct opposition to the provisions of the state law. See Republican Party, *Proceedings of 1912*, pp. 202-212.

Dakota, and might be extended to states like Oregon, Minnesota, Iowa, and Wisconsin with advantage, it does not follow that it should be urged for all states. The election of all delegates at large in states like New York, Illinois, and Ohio would be objectionable because of the size of the ballot demanded and the cost of printing. It would be inadvisable, also, because certain divisions within the party are likely to be identified with certain geographical sections of the state. Thus the election of New York State's ninety delegates at large would be opposed because of the antagonism between "up state" and New York City. In those states the alternative to the district plan as now in operation would be the use of a few large districts in place of the congressional districts, with the delegates elected at large within those districts. Such a scheme would seem to offer no practical advantage over the congressional district system, however.

This whole problem may be attacked in a different way—by substituting some form of proportional representation for the hit-or-miss minority representation secured under the district plan of election. The Oregon law of 1910 aimed to secure the representation of all factions through its limited voting provision, i. e., each voter was allowed to vote for only one delegate although ten were to be elected, and the delegates receiving the highest number of votes were declared elected. In the Republican primary of 1912 this method of choosing delegates was coupled with a preference vote for president with disastrous results: the preference vote went to Roosevelt but only three of the delegates elected were avowed Roosevelt men and the delegation did not fulfill the spirit of its instructions.¹ Obviously a combination of proportional representation in the selection of

¹ See chapter VI for a more detailed discussion of this case.

the delegates and instruction of those delegates by the presidential preference of the state at large was impossible and the legislature eliminated the proportional representation feature.¹ From the point of view of experimental politics it is unfortunate that the instruction by vote of the state at large was not abandoned instead, and the limited voting provision given a fair trial.

It seems to the writer that the list system of proportional representation or some modification of it, might well be used in connection with the presidential primary. The supporters of each candidate for president might propose a list of delegates equal to the total number to be elected, these lists to appear on the ballot under the name of the candidate whom they favored. The voter would then be permitted to vote for an entire list with one cross mark or to "split" his votes between lists by marking individually the delegates whom he preferred. Each presidential aspirant would be entitled to as many delegates as the ratio between the average votes cast for his list bore to the whole number of voters.

Such a plan conforms to the short ballot principle in that it necessitates making only one decision and casting one vote. It may be objected to on the ground that it would require a large, expensive ballot. The plan might be modified to eliminate these objectionable features in the following way. The lists of delegates might be drawn up by groups of proposers, filed with the secretary of state, and published in the daily press. On the ballot would appear only the names of the proposers grouped under the name of the presidential candidate whom they preferred. A vote for the proposers would then be a vote for their list of delegates and each list would be allotted its proportionate share

¹ As a matter of fact this did not eliminate the real difficulty, for the district plan does not insure the election of delegates in harmony with the instructions of the state at large.

of the delegates. There is one objection to such a plan; the voter does not have the names before him when he votes and he cannot split his vote among different lists. It seems to the writer, however, that situations where such a "splitting" of votes is called for are rare.

CHAPTER VI

CONTROL OF THE ACTION OF THE CONVENTION

In considering the methods of controlling the action of the national conventions we are getting at the very heart of the presidential primary. For unless the members of the party can influence the action of the conventions regarding candidates and platforms, thereby insuring responsibility of the party to the rank and file, and indirectly controlling the election of the president, the presidential primary fails at a vital point.

The problem of securing control of the action of the delegates in the convention may be attacked from two different angles: the popular preference for president may be expressed and that preference held binding upon the delegates, or delegates may be selected whose preferences as to candidates and platform correspond to those of the people whom they are selected to represent. All possible variations and combinations of these methods have been used and our experience with these various laws throws much light upon the effectiveness of the different types of control.

A classification of the laws may help to give coherence to a confusing phase of this discussion:

CLASSIFICATION OF METHODS OF CONTROL

I

The election of delegates to the convention with no further safeguard. Used in New York, in Wisconsin in 1908, and in Ohio in 1912.

II

A preference vote for president, the delegates being selected by the state conventions as formerly. Used in Indiana, Maryland, Michigan, North Carolina, and Vermont, and in Illinois in 1912.

III

A preference vote for president coupled with the election of delegates:

1. Without knowledge of the delegate's preference. Used in Iowa, Montana,¹ North Dakota, and Nebraska;
2. Without knowledge of the delegate's preference but with a statement saying whether or not the delegate will support the popular preference. Used in Pennsylvania and West Virginia;
3. With a statement of preference by the delegate which is printed after his name on the ballot. Used in Illinois, Minnesota, New Jersey, Ohio, Oregon, Wisconsin, South Dakota (since 1916), and in California and Massachusetts in 1912.

IV

The election of delegates whose preferences are stated on the ballot, without a preference vote. Used in California, Massachusetts, and New Hampshire.

V

A preference vote for president, the delegates to be chosen by the successful candidate. Provided for by the 1923 Alabama law and proposed in Illinois and Iowa.

The mere election of convention delegates in itself insures the voter little or no control over their action in the convention for there is no assurance that the voter knows the delegate's position on presidential candidates when he casts a ballot for him, or that the most conscientious delegate has

¹ The law makes no provision for a statement of preference by the delegates but such preferences were printed on the ballot in 1916 and 1920.

any idea what is the popular preference for president after the primary is over. Where this type of primary has proved effective it has been because the formal provisions of the law have been supplemented in various ways. For example, in the Pennsylvania and Ohio Republican primaries of 1912 the feeling between the Taft, Roosevelt and La Follette groups ran so high that each faction put up its own set of delegates and the press gave so much publicity to their presidential preferences that few voters were in ignorance of those preferences when they voted. The best that can be said of such a system is that it makes possible popular control of the delegation if the voters are sufficiently aroused.¹

Six states have adopted the theory that if the delegates know what the people want they will give it to them, and consequently have provided for a mere expression of preference by the voters as a guide to the action of the delegates in the convention. In other words they have endeavored to make of the convention delegate the same kind of wooden Indian that our presidential electors now are. In most cases the laws definitely state that the delegate is to be instructed or bound by this popular preference,² but in others the only stipulation is that the delegates be furnished with transcripts of the vote in the primary.³ The laws of Indiana and Maryland definitely state that the delegation is bound *as a unit* by the vote of the state at large, and the Michigan

¹ In Pennsylvania in 1912 the Roosevelt forces controlled the delegates at large by a still more indirect scheme. The law permitted delegates to the *state* convention to indicate their presidential preferences on the primary ballot and by taking advantage of this provision the Roosevelt group gained control of the state convention and through that named the delegates at large.

² In Indiana if any candidate receives a *majority* the delegates are bound to vote for the successful candidate as long as his name is before the convention; in Maryland and North Carolina they are "bound"; while in Michigan the successful candidate is declared to be the "candidate and choice" of the party in the state.

³ This was true in Vermont.

law implies as much, while that of North Carolina specifically states that the delegates at large are bound by the preference vote of the state at large and the district delegates by the preference vote of the congressional districts.

This type of control has proved ineffective in practically every instance where the popular preference and the sympathy of the state convention have been at variance. In 1912 the Illinois law merely provided for a popular preference, the delegates being chosen by the district and state conventions. The preference vote went for Roosevelt and the conventions instructed for him after much publicity had been given to the situation,¹ but the names of many Taft supporters appeared upon the list of delegates.² Although these delegates carried out their instructions and voted for Roosevelt on the final rollcall, it must be remembered that in the convention the real contest came over the election of a temporary chairman and the seating of the contested delegations. On these questions the Taft sympathizers showed their true colors, seven of them voting for Root as temporary chairman, and six voting for the seating of the Taft delegates from the second California district. As a correspondent to the *Chicago Tribune* expressed it, "The action of some of the Illinois delegates to the national convention has been to substitute their desires for the desires and judgment of Illinois Republicans."³

The most flagrant case of violation of the spirit of the presidential primary is that of the North Carolina Republicans in 1920, when the state convention, utterly ignoring the primary, selected its delegates before the date of the primary and instructed them for Judge Pritchard. Johnson

¹ See *Chicago Tribune*, April 11, 1912, April 12, and April 17, 1912.

² For example, Fred W. Upham, Edward E. Miller (Taft manager in Southern Illinois), Homer Galpin, and Len Small.

³ B. W. Rhoads, writing from Western Springs, Illinois, June 24, 1912, p. 6.

was the choice of the primary but only one delegate voted for him even on the first ballot and twenty-one of the delegates swung to Lowden early in the balloting.¹

In 1920 the Indiana and Michigan Republican delegations selected by the state conventions were not, on the whole, in sympathy with the candidates for whom they were instructed by the primary and showed a tendency to "bolt" to their real favorites on early ballots. The Michigan primary was a victory for Johnson against Wood, Lowden and Hoover, but a majority of the delegation personally favored Wood. In the convention all of the delegates voted for Johnson on the first five ballots, but on the crucial sixth, eleven went to Wood and others slipped away until on the ninth ballot Johnson had only eight of the delegates, Wood, fifteen, and Lowden and Harding each one.² The Indiana preference is binding only if one candidate receives a majority, which no Republican candidate did in 1920, but the Wood and Johnson forces succeeded in sufficiently arousing public opinion to force the Harding and Lowden groups in the district conventions either to instruct for the candidate carrying the district or let the delegates go uninstructed³ and

¹ The primary date is so late that it forces the holding of the convention before the primary. See ch. III for a discussion of that aspect of the law. Wood's and Johnson's were the only names entered in the primary and the Pritchard people justified their action on the grounds that a small vote was cast and that Pritchard could have carried the primary easily if his name had been entered! *Raleigh News and Observer*, June 9, 1920, p. 4; and *Chicago Tribune*, June 8, 1920, p. 2. Corroborated by information given the writer by former Congressman James J. Britt (a member of the delegation), December, 1923.

² The Michigan delegation was criticized by "Michigan politicians" for sticking to Johnson as long as they did. The strenuous efforts of the five Wayne Co. "simon-pure" Johnsonites were responsible for keeping the delegation in line for him that long. See article by John Fitzgibbon in the *Detroit News*, June 14, 1920, p. 19.

³ See article in the *Indianapolis Star* entitled "Good Faith for the Primaries," April 25, 1920, p. 13 and *Indianapolis News*, May 7, 1920, p. 11 and May 13, 1920, p. 21. At the district conventions three districts carried by Wood instructed for him and two districts carried by Johnson instructed for him. But two districts carried by Johnson,

to force the state convention to instruct for Wood. However, three of the "Big Four" selected at the convention were avowedly for Harding or Lowden.¹ Delegates chosen under such circumstances could hardly have been expected to have supported the popular preference zealously, and such was the case. For the first three ballots they followed the primary instructions, but on the fourth they began drifting to Lowden and Harding, by the seventh ballot Johnson lost all of his votes, and only nine of the twenty-two Wood delegates voted for him to the end.²

Maryland has had similar experiences with delegates chosen by the state conventions. In 1912 the Republican primaries resulted in a Roosevelt victory and under the law he was entitled to the vote of the entire delegation. But the Taft people controlled the state convention and although it instructed the delegation for Roosevelt it put eight Taft men on the delegation. All of those eight voted for Root as temporary chairman, and one delegate cast his vote for Taft on the final ballot for the nomination.³ The 1920 Republican situation also caused difficulty for although the preference vote was for Wood the delegates selected by the organization-controlled convention were for Lowden or Harding and only the strenuous efforts of the chairman of the delegation, who felt that the delegates should stick to Wood until there was not the faintest chance for his nomi-

and six carried by Wood, sent uninstructed delegations (some of whom were avowedly for Harding and Lowden). *Indianapolis News*, May 13, 1920, p. 21.

¹ Watson and New were for Harding, and Governor Goodrich had been active in support of Lowden, *Indianapolis News*, May 11 and 13, p. 1. The *News*, May 14, 1920, p. 23, said that only one of the delegates was really for Johnson (although Johnson polled 35% of the vote cast and carried four out of thirteen congressional districts).

² Some of the nine (including Senator Watson) were not for him but stuck because of instructions. *Indianapolis News*, June 12, 1920.

³ *New York Times*, May 15, 1912; *Baltimore Sun*, June 19 and 20, 1912. Governor Goldsborough was a militant Taft supporter and the two factions in the delegation were at "daggers' points" during the convention.

nation, held them in line. The continual wrangle over when and how to leave Wood resulted in some members indifferent to his cause growing wrathful and making up their minds not to leave him until the hottest Wood man in the world could say nothing.¹

In only one state has this type of law worked smoothly—in Vermont—but there sentiment has been so unanimously for one candidate that the popular preference and that of the delegates have been one and the same.

Our experience with the presidential primary would seem to demonstrate that the mere instruction or pledging of delegates is an unsatisfactory method of control. In times of stress, if the delegates' personal preferences and their instructions are at variance they may either totally ignore their instructions, supporting the popular preference perfunctorily on the early ballots and swinging to their real choice at the critical moment, or follow their instructions to the letter in voting on nominees but ignore them on other questions which may be vital to the interest of the candidate whom they are instructed to support. It is a poor system, for it gives the party voters the least effective control when they need the most effective control. The delegate to a national convention cannot be turned into an automaton for two reasons: he has to act upon more than one question, and in a prolonged convention he must use his discretion on the one question upon which he has been instructed. For these reasons he is in a position totally different from that of the presidential elector, who has but one function to perform and who can be instructed definitely in regard to that function. Moreover, "iceberg" delegations will never win support for their candidate in the convention and the

¹ *Baltimore Sun*, June 13, 1920. It was not until the last ballot that six delegates left Wood. The real explanation of the action of the delegates may have been that the leaders cherished a faint hope of having a chance to swing to Senator France, their "favorite son."

presidential aspirant who enters the convention with such support finds it gradually melting away at the critical moment.

These laws are inadequate for another reason: as the selection of the delegates is left with the state convention we find the same mad scrambles for control and there is the same likelihood of contesting delegations typical of the old convention system. For example, the fight between the Sullivan and Harrison forces for control of the Cook County convention in 1912 resolved itself into a pitched battle, resulting in the election of two contesting delegations to the state convention in 1912, the choice of two contesting delegates to the national convention and a contest being carried to the National Committee.¹ Also in 1920 the Republican National Committee was forced to choose between two contesting delegations from North Carolina, one black and one white.² A presidential primary law which fails to provide a fair and orderly method of selecting convention delegates fails to insure the selection of representative delegates. It is almost unnecessary to add that in every case laws of this type have been adopted as compromise measures.³

We now turn to the group of states—by far the largest—in which the two types of control have been combined by providing for direct election of delegates and also for their instruction by means of a preference vote. In four of these states: Montana, North Dakota, Nebraska, and Iowa,

¹ *Chicago Tribune*, April 20, and June 25, 1912.

² *Raleigh News and Observer*, June 4, 1920.

³ Illinois amended her law to provide for the election of delegates before the presidential primary of 1916. In Indiana the presidential primary was part of a general primary law passed under the lash of the Democratic national administration in 1915 and greatly amended in the process of its passage. *Indianapolis News*, Feb. 6, 1915; Feb. 25, and Mar. 5, 1915. In Maryland a presidential primary law providing for election of delegates was defeated. *Baltimore Sun*, March 11, 1912, p. 6.

the law makes no provision for an indication of the personal preferences of the delegates on the ballot and according to the statement of the framer of one of these laws the indication of such preferences by the delegates is totally contrary to the spirit of the law.¹ In actual operation, however, one of two things happens with this type of law: either the personal preferences of the delegates become known through "lists" printed by the newspapers or distributed by campaign managers,² or else conflicts arise between the popular preference and the preferences of the members of the delegation. In North Dakota and Nebraska in 1912, after it became clear that the law made no provision for labelling candidates, strenuous efforts were made by all factions to familiarize the voters with the delegates favoring Taft, La Follette and Roosevelt, and as a result North Dakota cast a preference vote for La Follette and sent a solid La Follette delegation to the convention, and in Nebraska both the popular preference and the personal preferences of the delegates were for Roosevelt.

Where the laws have not been supplemented in some such way difficulty has arisen. For example, in 1912 the Democrats in Nebraska agreed upon a "harmony" delegation, including Bryan and Hitchcock. In the preference primary

¹ When the Nebraska law first went into effect the Taft and Roosevelt managers endeavored to find some way of labelling their delegates under the law. At that time I. D. Evans wrote the *Omaha Bee* as follows: "I am aware of the efforts to designate or tag the different party factions on the presidential ballot. The law certainly does not provide for any such labelling and I for one am awful glad it does not. A Republican candidate for delegate ought to be satisfied to go on the ballot as a Republican, not as a Taft Republican, or a La Follette or Roosevelt Republican. . . ."

"The theory and intent of the law, is, of course, that the preferential vote on president should decide whom the delegates shall support in the convention." (Feb. 29, 1912, p. 6.)

² In Montana preferences were printed on the ballot under the names of the Johnson "A. B. C." delegates in 1920 and some candidates in the 1916 Democratic primary had preferences for Wilson printed under their names, although the writer can discover no provision in the law which would cover such procedure.

21,000 votes were cast for Clark, 14,000 for Wilson and 12,000 for Harmon and yet as a member of this delegation Bryan led the fight which ultimately swung the convention to Wilson.¹ In 1920 Bryan was again put in an anomalous position: Senator Hitchcock's name was the only one entered for the presidential preference and consequently he was declared the choice of the voters, but Bryan and ten of the delegation were bitterly anti-Hitchcock and "bone dry." So keen was the feeling between the two that Bryan announced before the primary that if he were elected he would give way to his alternate rather than cast a vote for Hitchcock.² In that convention Nebraska voted solidly for Hitchcock on the first three ballots, but began swinging to other candidates on the fourth, nine members of the delegation (probably the Bryan members) voting for Senator Owens even on the last ballot, the other seven dividing between McAdoo and Cox. As a member of the resolutions committee Bryan fought for a bone dry plank and had the support of ten members of the Nebraska delegation when the question came to a vote on the floor of the convention.³ Even more confusing was the North Dakota Republican primary of 1920, when the party was split between the radical Non-Partisan League faction and the conservative group. The conservative group, fearing that a contest in the presidential primary would widen the rift in the party, asked all presidential candidates to keep out of the state and all but Johnson complied. As a result his name was the only one upon the preference ballot, but twenty-two candidates for delegates were in the field, ten of whom declared for Johnson, although no prefer-

¹ The delegation voted twelve for Clark and four for Harmon until the fourteenth ballot when Bryan made his famous speech and twenty-two Nebraska votes were cast for Wilson. Bryan was criticized, also, for speaking on behalf of Wilson between the time of the primary and the convention. *Chicago Tribune*, May 19, 1912, p. 2.

² *Omaha Bee*, April 22, 1920, p. 8.

³ Democratic Party, *Proceedings of the Convention of 1920*, p. 256.

ence could be printed on the ballot, while the others stated before the primary that they would not be bound by a preference vote in his favor.¹ In the primary the preference vote was, of course, for Johnson but every one of the delegates chosen was hostile to his candidacy. Johnson held that the entire delegation was bound to vote for him, while the conservatives maintained that their pre-primary statement absolved them of all responsibility.² In the convention two of the delegates voted for Wood from the beginning and Johnson lost all but three delegates on the sixth ballot. A similar situation arose in 1924, for although Coolidge won the preference vote, five of the thirteen delegates were personally in favor of La Follette.³

From the cases cited above it is evident that a preference vote combined with the election of delegates does not eliminate the possibility of confusion and the difficulty which arises when the delegates' preferences do not coincide with the popular preference. Where this type of law has operated smoothly it has been supplemented by the action of the press or of campaign managers. Such laws provide an orderly method for the selection of convention delegates and eliminate the possibility of contesting delegations, but they do not insure control over the action of the delegates in the convention.

In two states—Pennsylvania (since 1916), and West Virginia—candidates for delegate are required to state whether or not they will support the popular preference. In West Virginia in 1920 the delegates with one exception agreed to abide by the popular preference, which was for Senator Sutherland as against Wood, although most of them were

¹ *Grand Forks Herald*, March 10, and 18, 1920.

² See *Grand Forks Herald*, May 6, 1920, p. 4, for circular issued by Richard S. Wilcox, Johnson's North Dakota manager, giving his side of the controversy, and editorials in the *Grand Forks Herald*, March 18 and May 6, 1920 for the other side.

³ *Milwaukee Sentinel*, March 29, 1924, p. 1.

personally for Wood. They voted according to instructions on the first ballot but began swinging to Wood on the second, and Sutherland got no votes after the fifth ballot although those favoring Wood stuck to him through the ninth ballot. In contrast to their action is that of the Democrats in the same year, who, although uninstructed¹ nevertheless stood staunchly for Davis throughout the convention. In Pennsylvania in 1916 and 1920, the Penrose delegates did not hesitate to have printed after their names on the ballot "Does not promise to support popular choice of party in — District for President," and consequently were free to act as they saw fit.² The experience is hardly conclusive as to the value of this type of law, but the West Virginia experience would tend to indicate that delegates so elected are in about the same position as delegates who are required to make no such promise—that they will carry out their pledges only perfunctorily if at all.

Finally, in the group of states combining the preference vote and the election of delegates we come to those states (by far the largest number) in which the candidates for delegate may, or must, have their personal preference stated on the primary ballot, the idea being that the voters will then select those delegates whose personal preferences agree with their own. Experience shows, however, that this is not always the case. The most striking illustration is that of the Massachusetts primaries in 1912. In the Republican party Taft and Roosevelt ran a very close race and the final re-

¹ No names were entered in the primary.

² In 1916 the Vare faction entered Governor Brumbaugh and a list of delegates pledged to abide by the popular choice, but most of these delegates were defeated. Brumbaugh was accused of being a "stool pigeon" for Roosevelt. *New York Times*, April 23, 1916, p. 18; and *Philadelphia Public Ledger*, April 24, 1916, p. 7. In 1920 the only candidate entered for the presidential preference was Edward R. Wood, a native son, the similarity of whose name with that of General Wood won him many votes. All of the delegates entered as not promising to support the popular choice.

turns showed that while the voters of the state at large had endorsed Taft in the preference vote they had elected the eight delegates at large who had expressed a preference for Roosevelt.¹ The results of the Democratic primary were equally confusing, for although Clark carried the preference vote against Wilson all of the delegates at large had expressed a preference for Governor Foss (who had withdrawn his name as a candidate for the preferential vote).

Oregon Republicans had similar difficulty in 1912 and in 1920. In 1912 Roosevelt won the preference over Taft and La Follette, but there were only three avowed Roosevelt men on the delegation and two of the ten members had declared for Taft on the ballot. In that case the situation was complicated by the single vote scheme of proportional representation, but a similar difficulty arose in 1920, after the proportional representation feature had been eliminated. In that primary Johnson won the preference vote but there was not a single avowed Johnson man on the delegation, the only two delegates declaring for him on the ballot being defeated.²

Often the personal popularity or the political prominence of a particular candidate for delegate may win a place for him on the delegation regardless of his personal preference. In New Jersey in 1920 the Republican State Committee endeavored to avoid a contest for the delegation by putting up a "no preference" slate of delegates at large made up of Senators Edge and Frelinghuysen, State Chairman Stokes and City Commissioner Raymond.³ Edge and Frelinghuy-

¹ The Taft people claimed that this was a result of the fact that the names of nine Taft delegates at large were on the ballot and that the Taft strength was split among nine instead of eight; also that many ballots were invalidated because voters marked nine instead of eight names. The arrangement of the ballot was confusing.

² Data taken from copies of the sample ballots on file in the Multnomah County Library, Portland, Oregon.

³ *Newark News*, March 11, 1920, p. 4.

sen were understood to be for Harding or Lowden, while Stokes and Raymond were for Wood. When the Senators refused to pledge themselves, Stokes and Raymond joined with two others to make a Wood "big four." The Senators announced that they would abide by the popular preference, consequently the Johnson people put into the field only two candidates for delegate at large and urged their supporters to vote for Edge and Frelinghuysen to complete their list of delegates at large. The primary resulted in the endorsement of Wood over Johnson by a very narrow margin and in the election of two of the Wood delegates, and Edge and Frelinghuysen, as delegates at large.¹ So close was the election that a change in about a thousand votes would have given Johnson the preference vote and have sent to the convention in his support two delegates pledged to the candidacy of another, and two others bitterly opposed to him!

The situation in the Ohio Republican primary of 1920 was somewhat similar, although in that case it was the personal *unpopularity* of Daugherty, as a candidate for delegate at large pledged to Harding, which resulted in the election of one of the two Wood candidates, although Harding won the preference vote of the state at large.

The experience of Wisconsin in the 1916 Republican, and in the 1924 Democratic primaries, offers examples of a different sort of difficulty which may arise with this type of law. Only one name was entered in the Republican preference primary in 1916—that of La Follette—but two sets of delegates at large (one stating a preference for La Follette and one running as uninstructed but under the leadership of Governor Philipp) were offered to the voters. The preference, of course, was for La Follette, but Governor Philipp was one of the four delegates at large elected and the claim was made by the La Follette people that the difficulty arose

¹ *Ibid.*, April 28, 1920, p. 8.

because many voters considered it sufficient to cast a preference vote for him and did not mark the names of his delegates at large.¹ In the 1924 Democratic primaries an interesting situation arose: the names of McAdoo and Senator Reed were the only ones entered for the preference vote, Governor Smith declining to permit his name to be used, but one of the two sets of delegates on the ballot was labelled "Alfred E. Smith for President," and the other "McAdoo for President."² In that primary the voters cast a preference vote for McAdoo and elected Smith delegates at large.

The cases which have been given, illustrate the conflicts which may arise between the preferences of the delegates at large and the instruction of the preferential vote. Under such circumstances a delegate is really given two contrary sets of instructions at one and the same time and naturally follows the instructions which correspond to his own inclination. In Massachusetts the Republicans in 1912 supported Roosevelt at every step in the convention, including the roll call on the nomination, whereas the Democrats swung to Foss after twenty-one ballots for Clark and remained with him until the end of the balloting. Likewise the one Wood delegate at large from Ohio in 1920 voted for him in preference to Harding until the final ballot, when the entire delegation climbed on the Harding band wagon.³ In 1916 the Philipp delegates from Wisconsin followed the same course, voting for Hughes, and not for La Follette, from the beginning.⁴

To the delegate who has stated no preference on the ballot, or who has simply announced his willingness to comply with the popular preference, no such choice would seem to be open.

¹ *Wisconsin State Journal*, April 6, 1916, p. 1.

² *Milwaukee Sentinel*, March 24, 1924, p. 9.

³ See the roll call for the delegation on the fifth ballot, Republican Party, *Proceedings of the Convention of 1920*, p. 198.

⁴ The delegation was not polled during the convention but it divided eleven for Hughes and fifteen for La Follette on the first ballot, and this corresponds to the eleven Philipp delegates elected.

And yet some members of the Oregon Republican delegation in 1912, who were bound by the preference vote for Roosevelt, supported Taft on the vote for temporary chairman and "purging the roll."¹ In 1920 a delegate at large bound by the preference vote to support Johnson refused to vote for him even on the first ballot,² and only five delegates supported him throughout the convention.

The conflicting instructions given delegates at large are confusing but the instructions given district delegates may be even more confusing. For while delegates at large may be instructed two ways at once a district delegate may be

¹ Their action, as well as the action of certain delegates who had labelled themselves La Follette-Roosevelt, and who supported Root, was severely censured by Roosevelt people in Oregon. The *Oregon Journal* said: "There is no Oregon delegate who does not know that if he had announced before the primaries that he would vote for Taft's man for temporary chairman, he would have been defeated in the primaries."

"There is only one interpretation to be placed on the action of the three delegates who voted for Root. They disobeyed instructions. The seating of the Taft delegates that the election of Root furthered, helped eliminate Roosevelt from the convention. . . . They were three votes thrown for the nomination of Mr. Taft instead of the nomination of Mr. Roosevelt and in full and complete violation of the Oregon instructions." *Oregon Journal*, June 22, 1912, p. 6.

During the convention the following telegram was sent to the Oregon delegation: "To the members of the delegation who have performed their duty to the people of Oregon, there is accorded unstinted praise, but to those members who have betrayed their trust there is a most universal condemnation. For McCusker—the Judas Iscariot of the bunch—whose candidacy from the moment he put his name on the ballot as a 'Roosevelt-La Follette candidate' has been one of deception and fraud, there is most bitter denunciation on all hands and he will, with the rest of them, rue the day when he betrayed the will of the people of Oregon as expressed at their recent primary election." Quoted in the *Oregon Journal*, June 22, 1912, p. 5.

² This was Wallace McCain. He justified his action on the ground that he had announced before the primary that he would not support Johnson, and that the Oregon law bound the delegates to the popular preference only as long as he had a chance of getting the nomination. But the statement following his name on the ballot was merely "For President, an American, a Republican and a Statesman," and in the *Statements of Republican Candidates* issued before the primary (p. 7) these words appear over his signature: "I have avoided committing myself to any candidate for President in order that I might be in a better position to support the candidate who wins out at the Oregon primary. . . ."

instructed three different ways at the same time! A successful candidate for district delegate may be faced with the problem: Am I bound by the preference of the state at large, or am I bound by the preference vote of my congressional district, or am I bound to observe the preference which was printed after my name on the ballot? A situation just as ridiculous as this has arisen in at least one case. In the Republican primary of 1920 the 10th Illinois district (in Chicago) elected one delegate who had run as an avowed Johnson delegate, but cast a preference vote for Wood, while the state as a whole supported Lowden as its presidential preference.¹ Fortunately such cases are rare, but it is quite common for delegates preferring one candidate to be elected at the same time that the preference of their district is for another man. This occurred in the 1920 Republican primary in the 2d, 5th, and 9th Illinois districts; and in Ohio, where, although Wood carried the 12th, 16th, 19th, 20th, 21st and 22d districts in the preference vote, Wood delegates were elected in the 12th, 16th, 18th, and 22d; and in New Jersey where, although Johnson carried six districts, only nine of his delegates were elected.

From the analysis of the operation of those laws in which a preference vote is combined with the election of delegates whose personal preferences may be stated on the ballot, it is clear that confusion often results. Unless a method can be devised whereby the instructions and the delegates' preferences can be made to accord, one or the other method of control had better be dropped. In actual practice one of two things will happen: either the delegates will indicate no personal preferences, or else candidates will not enter in the preferential column and the election turns simply on

¹ From the records on file in the office of the Board of Election Commissioners, Chicago.

the preferences of the delegates as indicated after their names on the ballot. The first tendency is illustrated by Oregon, where in 1912, only four of seventeen candidates for delegate at large to the Republican convention pledged themselves to individuals, in 1916 six of twelve, and in 1920 only three of the fifteen candidates indicated any preference on the ballot. The attitude of those delegates who hide behind the popular preference was well illustrated in New Jersey in 1920, when Senators Edge and Frelinghuysen refused to commit themselves to any candidate. When criticized for his stand Edge issued a statement in which he said:

"Delegates elected to the convention should represent the preference of the state Republican majority, not their individual choice. . . . Should a delegate be pre-pledged for one presidential candidate, and another secure the New Jersey preferential vote, such delegate would be in the anomalous position of being personally pledged to one candidate and instructed by the majority to vote for another. . . . In not pledging myself to any candidate, I am therefore obeying the spirit as well as the letter of the law, and I am confident that such a stand will assure me the support of the Republican voters of New Jersey."¹

His argument might sound more convincing if we had not seen that it is the delegate elected under such circumstances who drifts away from the popular preference just at the moment that his support is most needed.²

On the other hand, some states show an inclination to let the individual preference of the delegates settle the matter of instruction and to ignore the preference vote. For example, in Wisconsin the preference vote has been allowed to drop into desuetude by the Republicans. In 1920 and

¹ Quoted in the *Newark News*, April 17, 1920, p. 4.

² See the North Dakota case discussed on p. 67-68.

1924 no candidates for president entered, the contest being simply between sets of delegates pledged to vote for certain candidates. In that way they have avoided a repetition of the difficulty which arose in 1916.¹ In Ohio and Illinois, although the presidential preference vote is used it is the candidate's *personal* preference as printed on the ballot which has been followed in voting in the convention.

We come now to the fourth group of states, in which attention has been concentrated upon securing delegates whose preferences correspond to the popular preference and in which the preferential vote for president has been eliminated. Two of these states eliminated the preference vote after using it in 1912—Massachusetts because of her own unfortunate experience with the combination of the preference vote and the election of pledged delegates, and California because she wished to avoid an experience similar to that of Oregon in that year.² Both of these laws provide that candidates for delegate may be grouped under the name of the candidate whom they prefer for president, the idea being that in that way the personality of the delegate is kept in the background as much as possible and the emphasis placed upon the presidential candidate, where it belongs. The California law goes even further and provides that a group may be voted for with one cross-mark, thus discouraging, although not rendering impossible, the "splitting" of votes among delegates favoring different candidates for president.³ Provision is made, also, for independent candidates for delegate favoring the various candidates for president, but these are at a disadvantage because they must

¹ See p. 71.

² This was the reason given by the author of the original law and of the amendment, in a statement made to the writer.

³ All delegates are elected at large and the labor involved in voting for the entire 26 delegates separately would be considerable.

be voted for singly. The same is true of delegates who run as "no preference" for they may not be grouped and must be voted for individually.¹ The California law has operated admirably. In 1916 the Republicans had a clear cut issue between two sets of no preference delegates; in 1920 a Johnson and a Hoover list were in the field; and in 1924 Johnson and Coolidge both entered lists. The Democrats had no real contests in 1916 and 1920, but in 1924 the McAdoo group was opposed by a "no preference" list. In no case has there been sufficient splitting of votes to result in the election of a delegation divided between two different candidates for president.

The Massachusetts law makes no provision for casting one vote for a group of delegates but it gives advantage to groups which are complete by giving them the top positions upon the ballot. "No preference" delegates have the same right to appear in groups as have those giving a preference, a provision which may account for the fact that candidates for delegate in Massachusetts have shown a disinclination to announce their preferences on the ballot. For example, in 1920, the "organization" slate filed as "no preference," although it was understood to be for Coolidge.² New Hampshire is the third state providing simply for the election of delegates whose preferences are printed on the ballot, and in spite of the fact that no provision is made for group-

¹ In 1916 no presidential candidates entered the field but there was a clean-cut issue between a "progressive" group and an "old guard" group of delegates. At that time it was held that all of these delegates must appear in the "no preference" column of the ballot in a row, without separation or designation. As a result there was some agitation for grouping of uninstructed delegates but the framer of the law opposed such an amendment on the ground that "no preference" delegates should be put at some slight disadvantage in order to encourage the entrance of preference delegates.

² But this tendency may be explained by the fact that no delegate may file as preferring a certain candidate for president unless that candidate for president files his written consent thereto.

ing, the law has operated effectively, the contest usually being between a pledged and an unpledged set of delegates, with the verdict for the pledged.¹

In the only other state in which this type of law has been tried—South Dakota in 1912—confusion arose because the groups of candidates could be designated by a slogan rather than by the name of a presidential candidate. As a result three groups were put upon the Democratic ballot, labelled, “Wilson-Bryan Progressive Democracy,” “Wilson-Clark-Bryan Democracy,” and “Champ Clark for President,” respectively. The claim was made that the last list was entered by enemies of the Clark campaign in order to split the Clark vote, after the “Wilson-Clark-Bryan” people had come out for Clark. In the primary the Wilson-Bryan list received the greatest number of votes, but the combined vote of the two Clark lists was greater. A contest resulted which was carried to the floor of the Democratic convention, finally being settled in favor of the Wilson delegates. A somewhat similar situation arose in the Republican party. Three lists were in the field, one “Taft, World Peace and Progress,” one “La Follette-Roosevelt Progressive Principles,” and the third “Robert M. La Follette for President.” During the campaign the La Follette-Roosevelt delegates came out for Roosevelt but the claim was made that the slogans confused many voters and that La Follette lost the state because of the slogan of the Roosevelt people.² Such confusion might have been avoided if the law had provided for a definite statement of the candidate for president preferred by each of the groups, with the addition of a separate

¹ In 1920 the choice lay between a pledged-to-Wood group headed by Senator Moses, and several unpledged delegates, with the victory for the Wood delegates. *Manchester Union*, March 10, 1920, p. 1. In 1924, after Senator Moses had refused to pledge himself for Coolidge, he was defeated. *Boston Transcript*, February 19, 1924; and *New York Times*, March 13, 1924.

² *Sioux Falls Argus*, June 10, 1912, p. 4.

slogan or statement of principles if that seemed desirable.¹

The California and Massachusetts type of law eliminates the kind of confusion which we found accompanied a combination of the preference vote with the election of delegates whose personal preferences are known, and yet it sacrifices neither the control over the delegates nor the possibility of expressing a presidential preference, which, though indirect, is none the less effective. Two objections have been made to the elimination of the direct preference vote: 1. That the more direct expression of a presidential preference appeals to the people in a way that an indirect preference does not; 2. That presidential aspirants are discouraged from entering a state where it is necessary for them to secure lists of delegates to run in their behalf.

The first objection does not appear to have been borne out in actual practice. The issue between Johnson and Hoover in California in 1920, or between Coolidge and Johnson in 1924, was none the less direct and none the less interesting to the voter because he had to express his preference by voting for delegates preferring that candidate. In 1912, when the law provided for a direct expression of presidential preference only 55.1 per cent of the general election vote was cast in the primaries, while in 1920 with no direct preference the presidential vote was 70.5 per cent of the general election vote. Moreover in those states in which figures are available for the vote for delegates at large and for presidential preference no consistently greater interest is shown in one than in the other; whichever contest is the more significant draws the voters and when both

¹ The Richards law, now in effect in South Dakota, provides for a preference vote and for the election of delegates, but the delegates are grouped under the name of the presidential aspirant whom they favor in such a way as practically to eliminate the chance of the preference going one way and the vote for delegates another.

contests are equally significant the presidential preference tends to draw only a slightly higher vote.¹

The second objection, that it hampers the presidential candidate, would seem to have little weight. In the first place, unless a candidate has sufficient support in a given state to arouse some activity on his behalf by local supporters his name had best be left off the ticket; in the second place, the entrance into the field of candidates for the presidency who do not enter delegates is very likely to result in a presidential preference for one candidate and the election of delegates favoring a different one; and in the third place no candidate for the presidency can have genuine support in the convention unless he is backed by delegates who really favor him.

There is one method by which agreement may be secured between the presidential preference and the personal preferences of the delegates without sacrificing the preference vote: that is by providing for a presidential preference vote with the stipulation that the delegates be chosen by the successful candidate. This was the plan of control provided for in the recent Alabama law, which, however, was limited in its scope because it applied only to "native son" candidates.² Similar laws have been advocated in Iowa and Illinois. The proposed Illinois law provided that each candidate pick a proportion of the total delegation equal to the proportion which his vote bore to the total vote cast,

¹ See Table II, Appendix C.

² This law was passed in 1923 and was said to have been intended to give Senator Underwood the right to pick his own delegation. *Birmingham Age-Herald*, January 20, 1924, p. 6. The law was declared unconstitutional by the Attorney General on the ground that it made the primary compulsory and that the state constitution provided that primary elections should not be compulsory. *Birmingham Age-Herald*, January 20, 1924, p. 1, corroborated by a letter to the writer from the Secretary of State dated May 10, 1924. An unofficial primary was held by the Democratic Party Committee on the same date and under the same conditions provided by this law. *Birmingham Age-Herald*, Feb. 16, 1924, p. 1; also the letter mentioned above.

thus establishing an exact system of proportional representation. Such a scheme has important advantages: it provides for the simplest possible ballot, it assures the presidential candidates of genuine support in the convention, and it makes possible proportional representation without making the ballot unwieldy.

There are, however, serious objections, some of which were revealed when the Alabama law was put into effect. The *Birmingham Age-Herald* claimed that the whole scheme was a device

"to let men go to the next Democratic national convention who would not be elected by a vote of the people, and whose desire was to have a part in the making of a Democratic national platform that they hoped would put the national party in defense of private interests which they were privately serving,"

and that these interests misled the followers of Senator Underwood into believing it was a scheme to aid his candidacy.¹ Opposition was also made by the Anti-Saloon League opponents of the Senator who felt that a "wet" delegation might be selected. Underwood met these objections by announcing that he had asked former Governor Comer, a "dry," to name half the delegation.² It is probable, also, that if this scheme were used where the successful candidate was not a native son, state pride might stand in the way of turning over to someone outside the state the selection of the delegates; also that delegates so chosen might feel no responsibility to the people inasmuch as they were not chosen by the people.

In order to meet these objections, and still preserve the desirable features of this method of choosing delegates, the writer would propose the following plan: Candidates for

¹ January 20, 1924, p. 6.

² *Birmingham Age-Herald*, Feb. 8, 1924, p. 2.

president should have their names placed upon the ballot only upon the request of five proposal-men, the names of whom should be printed on the ballot below the name of their choice for president. The approval of candidates for president should not be necessary to the use of their names, but they should be given the right to disavow any individual proposal-man, in which case the proposal-man's name could not be used in connection with that candidate for the presidency. Before the primary the proposal-men should file a list of delegates, equal to the whole number of delegates to be elected in the state, with the secretary of state and this list should be given publicity in the publicity pamphlet, if there is one, or in the press, if there is not. On the ballot should appear only the name of the presidential candidates and their proposal-men, and "For an uninstructed Delegation" and the voter should cast a ballot simply for the presidential candidate he favors. Each presidential candidate should be entitled to a proportion of the delegation equal to the proportion which his vote bears to the whole vote cast and the secretary of state should certify as delegates the requisite number of names from each of the lists on file in his office, beginning at the top of the list as prepared by the proposal-men. It is believed that such a scheme would secure a short ballot, proportional representation, a direct vote for president, and responsibility for candidacies.¹

There are two other problems which must be considered briefly in connection with the control of the delegates in the convention, the first of which is: How long should the delegate be bound by his pledge or his instruction? Some states endeavor to bind the delegate for the entire conven-

¹ For a more complete discussion and a suggested ballot form, see ch. VII. In those states where proportional representation has been held invalid by the courts a constitutional amendment would be necessary before this plan could be put into effect.

tion and in South Dakota the law specifically provides that they shall be bound for three ballots. It seems impossible to lay down any rule which will operate effectively under all circumstances, for three ballots may settle the nomination, while thirteen may be but the beginning of the fight on the nomination. In the last analysis the decision must be left to the delegate. The best protection which the voters have is to select delegates whose personal preferences correspond to their own and trust to the feeling of the delegates. In most cases this will mean that the delegates will support the popular preference until released by the candidate.

There is also the question of the platform and how far, and in what way, delegates may be instructed regarding it. South Dakota has provided for a short "summary of principles" which appears under the name of each list of candidates, but the vagueness of these slogans has detracted from their usefulness.¹

In Oregon it is possible for the candidate for delegate to have a short statement of principle placed after his name, but in 1920 only two of the fifteen Republican candidates, and four of the twelve Democratic candidates, declared either for or against the League of Nations.² Ballot statements by the candidates would seem to be a poor indication of the attitude of candidates on questions at issue and to afford the voter little or no control over the action of the convention. The only other method of control would seem to be to have the candidates for president formulate and popularize a platform in the pre-primary campaign. The law in South Dakota aimed to encourage definite statements of policy by providing for joint debates between presi-

¹ The Lowden slogan in 1920 was "Economy, Efficiency, Protection, Peace, Agriculture Promoted, One Flag," and that of Poindexter "American Government Free from Class or Foreign Control."

² Taken from the official ballots.

dential candidates or their representatives. This interesting experiment was abandoned, however, after one trial and the experience of that year is hardly sufficient to make it possible to judge of its effectiveness. Whatever development is made toward directing policy in the conventions, however, probably will come through encouraging the enunciation of definite principles by the presidential aspirants, which statements will be taken into consideration by the voter in casting a preference vote or a vote for delegates. It is probable that little advance can be made along this line so long as the primaries come at such widely different dates, making it possible for presidential candidates to express one set of principles in North Dakota in March and a different set in Oregon in May.

SUMMARY

The operation of the presidential primary laws so far indicates clearly that the personal preferences of the delegates and their instructions must harmonize if they are to carry out such instructions in spirit. Such harmony is not obtained:

1. Where the delegates are elected with no statement of preferences.
2. Where there is a preference vote and the selection of delegates is by a state convention.
3. Where there is a preference vote and election of delegates whose preferences are unknown at the time of the primary.
4. Where there is a preference vote coupled with the election of delegates who have expressed a willingness or unwillingness to support the popular preference in the convention.

It may be obtained by coupling a preference vote with the election of delegates whose preferences are known at the time of the primary, if the ballot is carefully arranged.¹ It is sure to be obtained:

1. By the elimination of the preference vote, the ballot containing the names of candidates for delegate grouped under their presidential preferences.

2. By retaining the preference vote, eliminating the vote for delegates, and giving the presidential candidate or his representatives the power to select the delegates.

By selecting delegates whose personal preferences correspond to the popular preference the problem of how long the delegate shall be "bound" is automatically solved, because such decision may safely be left to the delegate's own feeling in the matter.

The attempts which have been made to instruct delegates in regard to policies have so far proved ineffective, largely because of the variation in primary dates.

¹ See next chapter for discussion of this phase of the problem.

CHAPTER VII

THE FORM OF THE BALLOT AND ITS IMPORTANCE

An analysis of the operation of the presidential primary would be incomplete without a consideration of the form and arrangement of the ballot. If the voter is confronted with a complex, badly arranged ballot which forces him to hunt among a large number of names and offices for what he wants, if there is no indication of the preferences of the delegates, or if the arrangement does not indicate the relationship between delegates having similar preferences, the voter very often defeats the ends he really wishes to attain.

In the presidential primary great confusion has resulted from the adoption of three principles that have come to be widely accepted in American ballot making: 1. That "straight tickets" should be discouraged; 2. That names of candidates for the same office should be arranged alphabetically; 3. That they should then be rotated by districts so that no candidate may have an unfair advantage from having first position on the ballot. These principles are not adapted to the need of the presidential primary. In selecting delegates to a national convention the elector really is defeating his own end if he "splits" his votes between delegates favoring different candidates for president—he is trying to say two things when in the last analysis he can say only one. For example, if in 1924 he split his vote between Coolidge and Johnson delegates he was saying he wanted

both when he could want only one or the other. Voters are prone to let the personality of the individual candidates for delegate influence their choice in the matter, a tendency which too often results in their defeating the ends which they really wish to attain. For this reason every effort should be made to indicate clearly the personal preferences of the delegates upon the ballot and to group the names of candidates favoring the same presidential candidate in such a way as to encourage and not discourage the casting of a "straight" ticket for that group. "Split" tickets are seldom justified in voting in the presidential primary.

In many of the states the voter's task is made extremely difficult because he must hunt through an alphabetical list of names, pick out those favoring his candidate and put a cross after each name separately. The 1924 North Dakota ballot ¹ illustrates the worst form of "blind" ballot, for in this case the voter is confronted with a list of names of candidates arranged alphabetically and rotated by districts, without the slightest indication of their presidential preferences. On this particular ballot there were thirty-nine candidates for delegate, thirteen of whom were for La Follette, thirteen for Johnson and thirteen for Coolidge. But the only way a Coolidge man could be sure of casting his vote for Coolidge delegates was to familiarize himself with the names of those delegates or provide himself with a printed list beforehand. Many voters cast their ballots blindly and consequently the delegation was divided between Coolidge and La Follette.

In the case of the Ohio ballot ² a voter who could read could pick the seven Coolidge delegates at large out of the list of fourteen, if he were sufficiently careful; but there is

¹ See Exhibit I, Appendix D.

² See Exhibit II, Appendix D.

nothing in the arrangement of the names to simplify his task and the chances are that if he met a familiar name in the list of delegates he would put a cross before it, regardless of the preference indicated beneath. The Oregon ballot ¹ presents an even more confusing puzzle, for in addition to the alphabetical arrangement of the names the information about the delegates is often vague and confusing.

It was in an effort to group their delegates and still meet the requirement that names be arranged alphabetically that the Johnson supporters in Montana in 1920 chose as delegates men and women whose chief qualification for the position was the first letter of their last names.² By this ruse they almost succeeded in putting their delegates in a group at the top of the list.³

Four states, California,⁴ South Dakota,⁵ Massachusetts,⁶ and New Jersey,⁷ have ballots which clearly indicate the relationship between the delegates having the same preference for president. The California law is the only one which permits voting for the whole group with one cross mark, a feature which it seems to the writer might be extended to other states with beneficial results.

In those states in which there is both a presidential prefer-

¹ See Exhibit III, Appendix D.

² There were five names in the list beginning with "A," two with "B" and one with "D." According to the *Helena Independent*, April 10, 1924, p. 4, the list included a young girl clerk in a news store, a jitney driver, a farmer, a public school teacher, a glazier, and a clerk in the mail service. The *Independent* was prone to exaggerate the shortcomings of this "radical" group but the writer has it on the authority of a person who had a share in selecting these delegates that they were chosen solely because their names began with the first letters of the alphabet and because they would do as Shelley (the leader of the Johnsonites) directed them in the convention.

³ Their names appeared among the first fourteen in a list of twenty-seven candidates. There is no provision for rotation of names.

⁴ See Exhibit IV, Appendix D.

⁵ See Exhibit V, Appendix D.

⁶ See Exhibit VI, Appendix D.

⁷ See Exhibit VII, Appendix D.

ence and the election of delegates, it is necessary not only to indicate the relationship between the delegates favoring the same candidate for president, but also to indicate the relationship between those delegates and the presidential candidate whom they prefer, otherwise confusion will occur because the presidential preference and the preferences of the delegates are at variance and the voter takes away with one vote what he gives with the other. In Ohio the presidential preference vote and the vote for delegates is completely divorced by providing for two separate ballots¹ and South Dakota is the only state in which the relationship is clearly indicated.² In that case all of the candidates of the majority faction of the party (state as well as national) are put in one column, all of the candidates of the minority faction in another, and all independent candidates in still a third. The relationship between the presidential candidates and the delegates might be more directly indicated by having the names of the delegates follow directly after the name of the presidential candidate whom they prefer, but the ballot does carry out the idea of unity between presidential aspirants and their delegates.

Where all delegates are elected at large, as in South Dakota, the problem of showing this relationship is comparatively simple, but where delegates are elected by districts as well as at large the grouping of delegates in conjunction with their presidential preferences becomes more complicated. The only state having the district system of election, in which this has been carried out, is Minnesota, but unfortunately

¹ See Exhibit II, Appendix D.

² See Exhibit V, Appendix D. The Minnesota ballot showed the connection very clearly but this law was in effect at only one election—1916. It proved unsatisfactory because no provision was made for “no preference” or uninstructed delegates and Cummins and Estabrook were the only names entered.

from an experimental point of view that law was repealed after one trial.¹

From the analysis made of the presidential primary laws it appears clear that the arrangement of the ballots has been unnecessarily confusing in many cases. The writer believes that most of this confusion can be eliminated by the adoption of the forms outlined on page 91.

The simplest form is Type I, which has been designed for use where the names of presidential candidates are put forward by proposal-men with the stipulation that these proposal-men select the delegates. All that the voter has to do is to decide whether he is for Coolidge, Johnson, or an uninstructed delegation. His problem will be even simpler if no uninstructed delegation is proposed.

Where there is no presidential preference vote and all delegates are elected at large the California ballot² admirably meets the needs of the situation. The same form might be used in connection with the list system of proportional representation by changing the instructions to the voter. If, how-

¹ The Minnesota ballot was as follows:

PRESIDENTIAL PRIMARY ELECTION BALLOT

Ramsey Co., Minn.

March 14, 1916.

George J. Ries, County Auditor.

REPUBLICAN PARTY

Candidates for President

Albert B. Cummins

Henry D. Estabrook

William G. Webster

Candidates for Delegates at Large

Vote for Four Only

For Cummins

A. W. Briggs
(etc.)

For Estabrook

Fred W. Force
(etc.)

Candidates for District Delegates

Fourth District

Vote for Two Only

For Cummins

Wm. Baumeister
(etc.)

For Estabrook

Wm. E. MacGregor
(etc.)

² See Exhibit IV, Appendix D.

TYPE I
OFFICIAL PRESIDENTIAL PRIMARY BALLOT
REPUBLICAN PARTY

May 20, 1924

Vote for one only: The proposers of the candidates for president whose names appear below the name of each candidate for president have filed in the office of the Secretary of State the names of the delegates to the Republican national convention who will support their candidate. Presidential candidates will be allotted that percentage of the total number of delegates which the total vote cast for that candidate bears to the whole number of votes cast.

CALVIN COOLIDGE Proposed by: JOHN SMITH RICHARD DOE C. DOE B. BROWN MRS. E. B. JONES	
HIRAM JOHNSON Proposed by: JOHN DOW B. AMES R. RICHARDS M. SULLIVAN F. JENNINGS	
FOR AN UNINSTRUCTED DELEGATION Proposed by: M. WHITE L. STEVENS S. FLETCHER R. ROWLAND	
BLANK SPACE FOR WRITING IN THE NAME OF A PRESIDENTIAL CANDIDATE NOT PRINTED ON THE BALLOT	

238721

TYPE II
OFFICIAL PRESIDENTIAL PRIMARY BALLOT
REPUBLICAN PARTY

May 20, 1924

TO VOTE FOR A PERSON WHOSE NAME APPEARS ON THE BALLOT, STAMP A CROSS (X) IN THE SQUARE OPPOSITE THE NAME OF THAT PERSON; OR IF YOU WISH TO VOTE FOR ALL OF A GROUP OF PERSONS, STAMP A CROSS IN THE SQUARE OPPOSITE SUCH GROUP.

OFFICE AND NUMBER TO BE ELECTED	CANDIDATES PREFERRING CALVIN COOLIDGE	CANDIDATES PREFERRING HIRAM JOHNSON	FOR AN UNINSTRUCTED DELEGATION
Delegates at Large to the National Convention	Frank P. Flint	W. H. Crocker	F. C. Handy
	Will C. Wood	L. M. Smith	M. L. Jordan
	K. M. Young	John Butler	W. M. Beale
	L. M. Cole	A. W. Johnson	Alfred Lee
Vote for not more than four.	R. E. Miller	Mrs. E. M. Easton	C. S. Osborne
	H. Jameson	John D. Howe	H. C. Jones
District Delegates 2d Dist.	John A. Held	W. E. Evans	Florence Porter
	F. P. Flynn	M. W. Gariand	H. McClure
Vote for not more than two.	Ralph Scott	M. B. Clancy	Mrs. K. Edson

TYPE III OFFICIAL PRESIDENTIAL PRIMARY BALLOT REPUBLICAN PARTY

May 20, 1924

TO VOTE FOR A PERSON WHOSE NAME APPEARS ON THE BALLOT, STAMP A CROSS (X) IN THE SQUARE OPPOSITE THE NAME OF THAT PERSON; OR IF YOU WISH TO VOTE FOR ALL OF A GROUP OF PERSONS, STAMP A CROSS IN THE SQUARE OPPOSITE SUCH GROUP.

OFFICE AND NUMBER TO BE ELECTED	CALVIN COOLIDGE	HIRAM JOHNSON	FOR AN UNINSTRUCTED DELEGATION
	CANDIDATES PREFERRING CALVIN COOLIDGE	CANDIDATES PREFERRING HIRAM JOHNSON	FOR AN UNINSTRUCTED DELEGATION
For President Vote for one	Frank P. Flint	W. H. Crocker	F. C. Handy
	Will. C. Wood	L. M. Smith	M. L. Jordan
	K. M. Young	John Butler	W. M. Beale
	L. M. Cole	A. W. Johnson	Alfred Lee
Delegates at Large Vote for not more than four.	R. E. Miller	Mrs. E. M. Easton	C. S. Osborne
	H. Jameson	John D. Howe	H. C. Jones
District Delegates 2d Dist. Vote for not more than two.	John A. Field	W. E. Evans	Florence Porter
	F. P. Flynn	M. W. Garland	H. McClure
	Ralph Scott	M. B. Clancy	Mrs. K. Edson

ever, the elimination of the presidential preference is combined with the district system of election, a combination of the California, South Dakota, and Massachusetts ballots might be used as outlined in Type II. This type retains the arrangement of the California ballot in that all delegates favoring a certain candidate for president appear in one column under the name of that candidate, but it combines with it the district election feature of the Massachusetts type and the lefthand column designation of positions and the number to be elected, of the South Dakota ballot. A voter confronted with this style of ballot need not look all over it to find his presidential choice and the delegates favoring that choice and it is highly improbable that having found the Coolidge column, let us say, he would jump from that to the Johnson column. No candidates for delegate should be allowed to appear in a group if disavowed by the presidential candidate in whose column he appears, but such candidates might appear as independent candidates at the bottom of the group. The group has an advantage, as it should have, in that only one cross is required to cast a vote for every one in the group.

The last ballot outlined,—Type III—is designed to provide for both the presidential preference and the election of delegates and yet eliminate as far as possible the possibility of instructing for one presidential candidate and electing delegates who have declared for another. It differs from Type II only in the addition of the opportunity for a presidential preference vote at the top of each column.

It is believed that the use of ballots following substantially the forms indicated above will secure a much clearer statement of opinion from the voters and eliminate most of the confusion that has reacted so unfavorably against the presidential primary.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

THE OPEN AND THE CLOSED PRIMARY

The problem of whether the primary should be limited to members of the political party concerned, and if so of defining that membership, is not peculiar to the *presidential* primary and it is not proposed to go into the merits of open and closed primaries here. But there are certain aspects of the problem peculiar to the presidential primary and certain reflections which the operation of these laws throws upon the problem of the open as opposed to the closed primary which must be considered briefly.

The laws in effect in the presidential primary states vary from wide open to tightly closed in their qualifications for participation. Technically an "open" primary is one in which no declaration of party is necessary: Wisconsin, Montana, and Vermont are of this type.¹ In Wisconsin and Montana, when a voter comes to the primaries, he is presented with the ballots of all parties, he uses the ballot of the party of his choice and deposits the other ballots in a box provided for "blanks." Such a system preserves the utmost secrecy of the ballot and prevents intimidation of the voter. Most of the states, however, have the "closed" form, i. e., they require a statement of party affiliation which may or may not be accompanied by some test of party loyalty or by a record of the voter's previous party affiliation. In Michigan,

¹ Vermont repealed its presidential primary law in 1921 and at the same time closed its state primary.

Minnesota,¹ North Dakota, (and in California and South Dakota previous to 1923), a simple declaration of party affiliation at the primary is sufficient, but in Indiana and Ohio voters may be challenged and be required to meet certain tests for party membership.² Finally, the largest group of states requires that voters be enrolled by party at the time of registration and that they may vote only in the primary of the party with which enrolled. The laws of Iowa, Massachusetts, Nebraska, New Jersey, New York, New Hampshire, North Carolina, Oregon, Pennsylvania, Maryland, California, South Dakota and West Virginia are of this type. In Illinois a party enrollment is taken at the time of registration but if challenged the voter's right to cast his ballot depends upon his willingness to swear that he is a member of that party and has not participated in the primary of any other political party within two years. The present New Jersey provision is probably the most rigid of all, for in that state a record is kept of the party with which an elector votes at each primary and at the next primary he must vote in that party or not at all.³ It is interesting to notice that in California, although party enrollment was a prerequisite for voting in the *state* primaries after 1915, it was not a requirement for voting in the *presidential* primary until 1923;⁴ also that in North Dakota the party enroll-

¹ Since the repeal of the presidential primary the state primary law has been amended to provide for a party test.

² In Indiana and Ohio the test is support of a majority of the candidates of that party at the last general election.

³ *Election Laws*, 1923, par. 362.

⁴ At a special session of the legislature in 1916 declaration of party at the time of the primary was made sufficient for voting in both state and presidential primaries. This was after Governor Johnson's pet measure providing for non-partisan election of all state officers had been defeated at a referendum election in 1915. The Johnson supporters held that this was the only feasible line of action inasmuch as a law providing for partisan registration could not go into effect for ninety days and this would be too late for the presidential primary. (See *Fresno Republican*, Jan. 12, 1916, p. 4.) In 1917 the legislature amended the law to require statement of party affiliation at the time of registration (30 days before the primary) but the Secretary of State interpreted this

ment feature is still applied only to the state primary.¹

It is difficult to show positively that members of one party participate in the primary of the other party, but an analysis of the accompanying figures indicates that probably this has happened in certain cases.

TABLE C²

PERCENTAGE OF THE PARTY VOTE CAST IN THE PRESIDENTIAL PRIMARIES
OF A CERTAIN GROUP OF STATES SELECTED ON THE BASIS OF THEIR
QUALIFICATIONS FOR PARTICIPATION IN THE PRIMARY

Group I—Wide open.

Group II—Declaration of party sufficient.

Group III—Declaration of party and test by means of a
challenge or of party enrollment.

Percentage of General election vote cast in primary									
	1912			1916			1920		
State	Rep.	Dem.	Total	Rep.	Dem.	Total	Rep.	Dem.	Total
Group I									
Montana	(*)	(*)	(*)	22.	18.	19.	37.	18.	30.
Wisconsin	94.	50.	74.	59.	57.	58.	63.	57.	62.
Group II									
California	88.	21.	55.	51.	16.	34.	93.	13.	71.
N. D.	122.	32.	88.	62.	22.	42.	41.	29.	39.
S. D.	117.	27.	77.	60.	18.	40.	78.	18.	63.
Group III									
Mass.	58.	29.	47.	39.	8.	24.	23.	13.	20.
N. J.	46.	40.	44.	15.	12.	14.	28.	25.	27.
Ohio	(*)	(*)	(*)	27.	14.	20.	36.	18.	29.
Oregon	100	39.	75.	75.	23.	50.	84.	32.	65.

* Law not in effect that year.

amendment as not applying to the presidential primary and voters were given whichever ballot they requested at that primary. (*Fresno Republican*, March 6, 1920.) The presidential primary law was amended to conform to the state primary law in 1923.

¹ In North Dakota the Attorney General has interpreted the following provision of the presidential primary law as meaning that the registration lists will be referred to *only in case the voter refuses to declare his choice*. (Opinion dated March 11, 1924.) "Each elector shall be handed the ballot of the party with which he declares himself affiliated, or with which he may have registered at the last preceding registration or election."

² Figures compiled from Tables IV, Appendix C.

Unquestionably in California in 1920 many Democrats voted in the Republican primaries. This was indicated by the decrease in the Democratic vote and by the very large Republican vote in that year. There was absolutely no contest in the Democratic primary, feeling ran high in the contest between Johnson and Hoover, and many League-of-Nations Democrats asked for Republican ballots and voted for Hoover. It is probably true, also, that in North Dakota in 1912 many Democrats voted in the Republican primary, thus making the vote cast in that contest greater than the combined Republican and Progressive vote cast in November.¹ Probably the same thing happened in South Dakota and Oregon in that year, but in all three cases one cannot be certain that the extremely large percentages cast in the Republican primary are not a result of the fact that many voters normally Republican cast their votes for Wilson in the general election, thus bringing down the total vote cast for Taft and Roosevelt in the general election and pushing up the percentage of Republican votes cast at the primary. In one case Republicans may have participated in a Democratic primary. In Wisconsin in 1916 the vote cast in the Democratic primary for Wilson was larger than the normal primary vote, although there was no contest, while the Republican vote was much lower. In that case Republicans who wished to show their support of the President's foreign policy may have voted in the primary of his party.

A careful study of the cases where the members of one

¹ Both the *Bismarck Tribune* and the *Grand Forks Times* said that many Democrats voted for La Follette. On March 22, 1912 the *Tribune* said: "A careful study of the returns of Tuesday will reveal the fact that the minority party has stepped in and stolen the opinion of the majority. Mr. La Follette's plurality will approximate 10,000. . . . Nearly 15,000 Democrats went to the polls, called for Republican ballots and marked a cross after the name of the senator from Wisconsin. Some of them joke about it; but it is no laughing matter. . . ."

party have participated in the primary of the other party, however, lends no color to the claim of the opponents of the "open" primary that the voters go into the opposing party to throw their vote to the weakest candidates, or the candidates whom they think will be most easily beaten in the election. In every case they have been motivated by a genuine interest in, and support of, the candidate for whom they voted. A case in point is that of the Republican primary in California in 1920. The writer knew many Wilson Democrats who voted for Hoover because of his support of the League of Nations and who would have supported him in preference to Cox in the general election if he had won the nomination, but not one who cast a ballot for him because they thought he would be the weaker candidate. The same thing was true in North and South Dakota and Oregon in 1912. As to the argument that the open form weakens party responsibility, there is little evidence on either side of the question in our experience with the presidential primary.

So far as these figures indicate anything regarding the effectiveness of various kinds of "closed" primaries it is that declarations of party, coupled with no kind of a party test, are "open" primaries to all intents and purposes. The only difference is that in the case of the "closed" primary the public has no idea of the voter's party affiliation, while in the case of a party declaration it becomes known. Where a party declaration is coupled with some sort of challenge, or with a system of party enrollment, voters apparently keep within their own parties.

Unquestionably the tendency is away from the wide-open primary—California, Massachusetts, Vermont and South Dakota have made their requirements more rigid during the time that the presidential primaries have been in effect, and strenuous efforts have been made to change the Mon-

tana law from "open" to closed."¹ In none of these cases, however, was the attack upon the open form directed at its operation in the *presidential* primary. The open or closed form will apparently stand or fall upon the operation of the law in general rather than upon its operation in the *presidential* primary.² This is interesting in the light of the fact that there would seem to be more pressure upon the voter to "switch" parties when there is no contest in the presidential primary of his party than at any other time.

PREFERENCE VOTES FOR VICE-PRESIDENT

Twelve states have provided for vice-presidential preference votes³ with uniformly unsatisfactory results, both with respect to the type of candidates and the size of the vote obtained. One of three things invariably happens: no names are entered at all, or a complimentary vote is given a "favorite son," or persistent notoriety seekers use it as a method of bringing themselves before the public eye. No names were entered in six out of eight of the Democratic vice-presidential

¹ In 1919 a special session of the legislature passed a law amending the primary to provide for the "closed" form and voted to give immediate effect to the law as an emergency measure. In 57 *Montana* 144 (State ex rel. Goodman v. Stewart), the court held that this was not an emergency measure and must be submitted to the voters at the next general election. At the election of November 1920, the law was defeated.

² In Montana there was some criticism of the activity of the members of the so-called "National" party in promoting the candidacy of the Johnson A. B. C. delegation in 1920 but most of the criticism of the open feature of the primary resulted from the fact that in 1918 this same National party attempted to gain control of the Republican and Democratic parties by "back door" methods. See *Helena Independent* August 7, 1919, p. 7, for report of the Joint Committee of the Legislature on the Status of the Primary, in which their discussion of the opposition to the open form is given in full. The "National" party corresponded closely to the Non-Partisan League.

³ Indiana, Iowa, Minnesota, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oregon, and Wisconsin. Massachusetts and South Dakota have had such provisions but have abandoned them in amending their laws.

primaries in 1920 and the same thing has happened repeatedly in the Republican primaries, with the result that a candidate receiving a small "write in" vote may claim the support of the delegation. Of the Oregon situation in 1916 the *Journal* remarked facetiously:

"Nominating a candidate for vice-president in the primaries in April is to be a game of tag.

"Some unsuspecting and innocent Oregon citizen may awaken the morning after the votes are cast and learn that he is 'it,' with national fame thrust upon him and the solid Oregon delegation of ten votes pledged to stand by him whether he blows hot or cold." ¹

In rare cases, as in Montana in 1916,² the matter has been taken sufficiently seriously to lead the members of the party to label as "it" some distinguished native son, but usually the preference goes by default to some self-advertised "unknown." William Grant Webster, and Elwood Washington, little-known even in their native states of Illinois and Indiana, have developed the habit of offering themselves to the voters and they win the preferences when other candidates fail to enter.

That the voters have not taken the matter of vice-presidential preferences very seriously is indicated by Table D, which shows a consistently smaller vote for vice-president than for president.

It is not putting it too strongly, perhaps, to say that the vice-presidential preference is a farce: it has become the plaything of notoriety seekers, it has elicited little popular interest, it has had no effect upon the action of the delegates in the conventions,³ it makes the ballot unnecessarily com-

¹February 29, 1912, p. 13.

²Former Governor S. V. Stewart's name was put on the ballot by the Democrats.

³Usually the vote is ignored.

TABLE D

COMPARISON OF REPUBLICAN PREFERENCE VOTES FOR
PRESIDENT AND VICE-PRESIDENT,
1916 AND 1920

State	1916		1920	
	Vice President	President	President	Vice President
Indiana	(*)	176,078	225,957	139,517
Nebraska	84,542	88,607	136,647	95,039
North Dakota	(*)	(*)	31,825	20,547
Oregon	58,076	94,915	120,071	97,724

* No candidate entered.

plicated, and it has been responsible for bringing discredit upon the presidential primary as a whole. Until the office of vice-president can be made something more than a nominal position it would seem impossible to exercise any control over the nomination or to make it anything more than a consolation prize to the section of the country losing the real plum—the presidency.

SELECTION OF PRESIDENTIAL ELECTORS AND ALTERNATES

Most of the states electing delegates to the national convention provide, also, for the direct election of alternates, and in a few states presidential electors are nominated at the same time. Both positions are usually merely titular in character and might be filled as effectively by appointment, thus relieving the presidential primary ballot of some of its burden. Alternates might be chosen by the delegates themselves (as is the case in California), or by the state central committees (as is the case in Wisconsin), while the selection of presidential electors may be left to the state convention,

to the state central committee, or to the party candidates for president.¹

SECOND CHOICE VOTES FOR PRESIDENT

No state as yet has introduced a scheme of preferential voting in connection with the presidential primary. The nearest approach to that is the Ohio system. There the voter indicates only his first choice for president but he has a choice between delegates whose *second* as well as *first* choices for president are indicated on the ballot. This provision of the Ohio law has so far served no useful purpose, for the delegates have always chosen as their second choice some innocent native son whose chances for the presidency are nil. In 1916 the Burton delegates gave Paul Howland as their second choice and the Wilson delegates James E. Campbell as theirs. In 1920 the Harding delegates named General J. Warren Keifer (86 years of age), the Cox delegates James Campbell, and the Wood delegates James R. Garfield. The situation in 1924 was exactly the same, the Coolidge delegates named Arthur L. Garford, the Johnson delegates John D. Fackler, the Cox delegates again chose James E. Campbell, and the McAdoo delegates used the name of James A. Rice. Obviously, what this really means is that the delegates refuse to give a second choice, thus defeating the purpose of the provision. Inasmuch as the indication of a serious contender as second choice would be looked upon as a confession of the weakness of their first choice, it is unlikely that this provision will ever have any real effect.²

¹ In 1913 Pennsylvania provided for the nomination of presidential electors by the presidential nominees of the various parties. Act of 1913, Sec. 18, P. L. 737.

² In 1920 certain Harding delegates were reported to have suggested giving Wood as their second choice. Harding actively opposed such a proposition on the ground that he was being rated merely as a "favorite son" whose delegates could withdraw to a serious candidate as soon as his own candidacy showed signs of weakness. See *Cleveland Plain Dealer*, February 20, 1920, p. 10.

Whether a direct scheme of preferential voting would be desirable or workable in connection with the presidential primary is an open question. Where the whole delegation is bound by the preference vote there will be opposition if the

TABLE E

PERCENTAGE OF THE TOTAL VOTE RECEIVED BY THE SUCCESSFUL CANDIDATES IN THE REPUBLICAN PRIMARIES OF 1912 AND 1920, IN A SELECTED GROUP OF STATES

States	1912			1920		
	Successful Candidate	Total Vote	%	Successful Candidate	Total Vote	%
Cal.	138,563	253,784	54.	369,853	578,862	63.
‡ Ind.	(*)	(*)		85,708	225,957	37.
Md.	29,124	55,109	52.	15,900	23,959	66.
Mich.	(*)	(*)		156,939	409,157	38.
Mont.	(*)	(*)		21,034	40,140	52.
N. D.	34,123	59,668	57.	† 30,573	† 31,825	† 95.
Ore.	28,905	71,927	40.	46,163	120,071	38.
S. D.	38,016	69,010	55.	31,265	85,691	36.

* Law not in effect that year.

† Johnson's the only name to appear on the ballot.

‡ Preference vote not binding if a majority is not obtained.

successful candidate is repeatedly the choice of a minority. To ascertain whether or not this does occur an analysis was made of the vote in the states in which instruction is by vote of the state at large. The results of this analysis are presented in Table E. The Republican figures for 1912 and 1920 are significant because more than two candidates were in the field for the nomination. In spite of this fact, in 1912, there was only one case (Oregon) where the successful candidate was a minority choice. But in 1920 this occurred in four out of a total of eight cases, or in all but one of the cases in which more than two candidates were actively in the field. In California, Johnson and Hoover were the only candidates;

in Maryland, Wood and Johnson opposed each other; while in North Dakota Johnson was the only candidate entered. Montana was the only state having a choice between more than two candidates where the successful candidate was the choice of a majority.

In Oregon the successful candidate has been a minority choice in both 1912 and 1920, and opposition has arisen to the law for this reason. This was especially true in 1920, when the League of Nations was one of the dominant issues and the combined vote of the pro-League candidates was greater than that of Johnson, the successful candidate, who was anti-League. At that time the *Oregonian* said:

"The real verdict of the primary is that the Republican party of Oregon is against Johnson and the principles and methods for which he stands. The outstanding lesson of the primary is that the presidential primary law as it stands, is a burlesque and a contradiction. It should be so changed that no delegation to any national convention will be under binding instructions to any candidate unless he shall have received a majority of all the votes."¹

Whether preferential voting would eliminate such a difficulty is questionable, for voters show a supreme indifference to second choice votes or an unwillingness to weaken the chances of their first choice by resorting to them.² There is, of course, another solution to the problem and that is by the scheme of proportional representation outlined in Chapters V and VI, in which each candidate is given a percentage of the whole number of delegates equal to the ratio which his preferential vote bears to the total vote cast. This approaches the problem from a totally different angle: instead of attempting to secure a complete statement of majority opinion and

¹ *Portland Oregonian*, May 23, 1920, p. 8.

² See B. H. Williams, "Prevention of Minority Nominations for state offices in the Direct Primary," *Annals of the American Academy*, CVI, 111 (March, 1923).

allotting all of the delegates to that candidate, it allots to every candidate that number of delegates to which his relative strength entitles him. This would seem to be the most satisfactory solution of the problem; another solution would be the district plan of electing delegates. This may work out in such a way that the delegates are divided between at least the two highest candidates, thus giving some representation to one minority group,¹ but it does not necessarily have that result.

THE PROBLEM OF THE UNINSTRUCTED DELEGATION

The final question which will be considered in this chapter is the necessity or desirability of providing for an uninstructed delegation. In 1916 the refusal of the two real candidates in the Republican party to permit their names to be presented to the voters led to a demand for delegations which, while technically uninstructed, would be favorable to Hughes or to Roosevelt as the case might be, and would throw their support to these candidates if their names were presented to the convention. But many states discovered that their laws made no provision for such a situation and were forced to instruct their delegates for Cummins, Burton, or various favorite sons as "John Does" for the real candidates. In some cases there was keen opposition to a system which forced the voters to instruct their delegates for candidates whom they really did not favor.² Also there is a demand for uninstructed delegates when sentiment is so unsettled within the party as to

¹ In Indiana in the 1920 Republican primary, e.g., the difference under the two plans would have been as follows:

No. of dels. under:	Wood	Johnson	Harding & Lowden
District plan	22	8	0
Proportional Representation Plan	12	10	8

² This was particularly true in Minnesota where the law required every candidate for delegate to state his choice of the presidential candidates *entered in the primary*. Only Cummins and Estabrook filed

make it impossible to bring public opinion to a focus far in advance of the conventions.¹

One of these emergencies might be removed by eliminating requirements for personal declarations by presidential candidates.² Objection may be made to the uninstructed delegation on the ground that it offers a loop-hole which enables the political manipulator to use the law in his own interest, and that the uninstructed delegation becomes the rule rather than the exception. The experience of states like Pennsylvania and Massachusetts, where the organizations are strong, gives weight to this criticism, for in 1916 and 1920 the leaders of the Republican party in both states avoided committing themselves to any presidential candidate by putting up uninstructed delegations, and in both cases these delegations received the support of the voters. On the other hand, in Ohio, where delegates *must* file their preferences with their nomination papers the party leaders have come out openly for their presidential candidates. It should be noticed, however, that in both 1916 and 1924 Ohio Republicans had a "favorite son" who was also a real contender for the presidential nomination, that in 1920 the Democrats did also, and that there has been no occasion when it was to the advantage of the party leaders to hide behind an uninstructed delegation. It is true also that eliminating provisions for uninstructed delegations does not eliminate such delegations in actual practice, for the

and Cummins received the endorsement of the state although there was little sentiment for him. At that time the *St. Paul Pioneer Press* (March 8, 1916, p. 10), after calling attention to the fact that many voters were worried because the primary election would seem to be an endorsement of Cummins, said: "They are unwilling that Cummins should receive even a hypothetical benefit from a state of affairs that is deceptive from start to finish. . . . Every state which has not a favorite son propaganda is similarly situated. It will have adopted the John Doe policy of voting for one man and meaning another, and in our case Cummins is the 'John Doe.'"

¹ The Democratic situation after the oil disclosures of 1924 would seem to be a case in point.

² See Chapter IV.

party "bosses" can always put up some favorite son as a "stalking horse" if it is necessary, as did the Republicans in many states in 1916.

The real solution of this problem lies much deeper; uninstructed delegations are simply a by-product of a system in which the voters have no control over the bulk of the delegates. As long as uninstructed delegates from non-primary states control the nomination it will be easy for the "bosses" to force uninstructed delegations upon the states which do have presidential primary laws. But if primary laws were extended to all of the states, or to a considerable majority of them, this would become more difficult. Until that is possible, however, it would be undesirable to make the system too rigid and there is a real need for provision for the uninstructed delegation.

PART III
THE EFFECT OF THE PRIMARIES

CHAPTER IX

ISSUES, TECHNIQUE AND PARTY ORGANIZATION

We turn now from an analysis and comparison of the operation of the more important features of the different state presidential primary laws to a consideration of the general effect of the presidential primary as an instrument of democratic control. The present chapter will be devoted to the issues and type of contest, campaign technique and the effect upon party organization; leaving to Chapters X and XI the discussion of the interest in the primaries, the expense, and the effect upon the state delegations, the conventions and the political situation generally.

ISSUES AND TYPE OF CONTEST

The issues that have been brought forth in the presidential primary contests have been as varied as the laws themselves. Sometimes we find a clear-cut cleavage on national questions running through all of them; sometimes the issues vary from state to state; sometimes national questions are overshadowed or completely obliterated by state quarrels; sometimes a district scramble for patronage is the only question involved; and sometimes there is no contest of any kind.

The Republican primaries of 1912 give us our best example of a fundamental difference between two wings of the party which found expression in clear-cut contests on national questions in all of the states. The real issue in California and Oregon was the same as the real issue in

Massachusetts and Illinois—whether the conservative forces or the progressive forces within the party should control; and the questions discussed in the campaign were the “trust” problem, the tariff, and popular control of government. Personalities there were, of course,¹ and in some cases contests of local factions for control of the “machine” threatened to obliterate the real issues,² but in every case the real issues were there and were brought to the surface in the course of the campaign. The Democratic primaries of the same year brought forth much the same sort of contest between progressive and conservative tendencies, but the division was less clear-cut because of the number of candidates and the fact that all of them did not enter in every one of the primary states.³

In some cases the 1916 and 1920 pre-convention campaigns in the Republican party turned upon national issues primarily, but there was no cleavage running through all of the states and the national issues were inextricably bound up with state questions. For example, in 1920 the League of Nations was one of the principal questions in Oregon and in California, but in North Dakota and Montana the issue was the Non-Partisan League and its control over the state organization, while in New Jersey and Indiana labor policies and “law and order” overshadowed everything else. And in 1916, although a recrudescence of the progressive versus

¹ See, e.g., an editorial in the *Baltimore Sun*, May 25, 1912, p. 6: “Sober Americans do not relish the sight of a President and the only living ex-president hurling at each other such epithets as ‘demagogue,’ ‘falsifier,’ ‘trickster,’ ‘protector of law-breakers,’ and ‘friend of corrupt bosses.’ . . .”

² As in the case of Pennsylvania, where the Flinn faction supported Roosevelt and the Penrose faction backed Taft. See *Philadelphia Public Ledger*, April 13, 1912, p. 2.

³ Wilson, Clark, Harmon and Underwood were all contenders for the nomination, but Harmon entered only in Ohio and Nebraska. The Republican contest really lay between Taft and Roosevelt. La Follette entered in most of the primary states but was a serious contender in Nebraska, North Dakota, Oregon, and Wisconsin only.

conservative split of 1912 marked the contests in California, North Dakota, and Wisconsin, in all of these cases it was coupled with a factional contest for control of the state organization, and in Nebraska and Michigan the large vote for Ford would indicate that the preparedness question was uppermost in the minds of the voters.¹

State issues are often the deciding factor in presidential primary contests. Numerous illustrations of this might be cited: Johnson's stand on the Newberry question in Michigan in 1920, which won for him the support of that state; South Dakota in 1924, when Johnson was identified with Governor McMaster and his program of agricultural development and the war on the price of gasoline; the California contests of 1920 and 1924, which were largely battles between the Johnson and anti-Johnson forces for control of the state; Illinois in 1912 when Lorimerism was an important issue; Nebraska in 1920 when Bryan's attacks upon Hitchcock turned upon state issues to a large extent; and Wisconsin in 1916 and in 1920 when state policies predominated in the contests between the La Follette and Philipp forces.

Factional contests for state leadership not only play a part in primary campaigns but may become the sole question at issue. For example, in Illinois in 1916, the Republicans were united in support of Sherman for the presidency but a three-cornered contest was waged between the Deneen, Thompson and Brundage forces for delegates; while in the Democratic party a bitter battle was fought between the Harrison and Sullivan factions for control of the party machinery, although both leaders were united in support of Wilson. In

¹ See *Detroit News*, March 20, 1916, p. 1 and *Omaha Bee*, April 20, 1916, p. 6. Senator Norris of Nebraska is quoted as saying: "The vote for Henry Ford in Nebraska is a spontaneous expression of the popular opposition to a big military or naval establishment in this country and desire for peace in the world. It can be construed in no other way." *Detroit News*, April 21, 1916, p. 1.

Pennsylvania factional struggles for control of the party machinery have predominated in both parties. In the case of the party which is in power factional contests are likely to become mere scrambles for patronage, especially where the renomination and election of the president is reasonably certain.¹ At times the control of particular congressional districts has been the sole question at issue in the presidential primary. In New Jersey in the Republican contest of 1916 the only conflict lay between the "Verdonites" and the "anti-Verdonites" for control of the Jersey City districts, and in New York in 1916 and 1920 the Republicans in some districts attempted to break the power of the Barnes "machine" by putting up delegates in opposition to the organization slate. Such factional contests are often the outward expression of fundamental differences of opinion smouldering within the party and are more significant than might appear at first glance. For example, the New Jersey "anti-Verdonites" mentioned above declared themselves for Roosevelt and preparedness as well as against the organization.² Of course it is always debatable whether the contest is made to give expression to the issues, or whether the issues are seized upon to give color to personal contests for control of patronage.

Sometimes the only question at issue has been whether the delegates should be sent pledged or unpledged. In New Hampshire, for example, there were contests in 1920 and 1924 over this question, although all factions were

¹ For example, in Minnesota in 1916 the chief quarrel between the Lynch and the anti-Lynch factions of the Democratic party was over the distribution of patronage. The anti-Lynch supporters accused National Committeeman Lynch of giving jobs to Republicans and others not identified with the bona fide Democratic party. (*Minneapolis Tribune*, March 10, 1916, p. 4.) In Michigan in the same year the national committeeman (a former Harmon supporter) was accused of favoring his faction in the distribution of patronage at the expense of the Wilson supporters. As a result he was opposed in the primary. (*Detroit News*, April 2, 1916, p. 11.)

² *Newark News*, March 30, 1916, p. 1.

united in support of Wood in 1920 and Coolidge in 1924.

There are instances also where the primary contest turns upon an effort to defeat a certain prominent candidate for delegate in an effort to weaken that candidate's power in the state. The defeat of Governor Pinchot by the Mellon forces in Pennsylvania in the Republican primary of 1924 is an outstanding illustration; also the defeat of Daugherty in Ohio in 1920, and the attempt to defeat him in 1924. The Barnes forces attempted to discipline Governor Whitman of New York in this way when he ran as delegate to the Republican convention but were unsuccessful.¹ At other times efforts have been made to roll up a handsome vote for unopposed candidates for the presidential preference, or for delegates, because of the effect upon the voter's attitude toward public questions. For example, in Wisconsin in 1916 (and especially in Milwaukee), the Democrats bent every effort to make Wilson's vote as large as possible as an endorsement of his foreign and preparedness policies.

There are numerous cases where the presidential primaries have come and gone without a contest of any kind. There have been no contests in at least six Republican primaries: Vermont in 1916 and 1920, Maryland in 1916 and 1924, and Indiana and Iowa in 1916. Contests have been less frequent in the Democratic party, more than one-third of the primaries having passed without contests: New Jersey, New York, North Carolina, Vermont, West Virginia, Wisconsin, California, Indiana, Maryland, Massachusetts and Montana in 1916; California, Illinois, Indiana, Maryland, Montana, New Jersey, New York, North Carolina, Ohio, Vermont and West Virginia and Wisconsin in 1920, and at least New Hampshire and New Jersey in 1924. The absence of contests can be explained in several ways. In 1916 the Repub-

¹ In fact Governor Whitman, although the last candidate on the ballot, led his ticket. He credited this to his open endorsement of Hughes.

licans lacked contests because neither of the two real candidates for the presidential office would submit his name in the primaries and because, in most states, both branches of the party were too eager to forget the disastrous schism of 1912 to risk purely factional contests for delegates. There were naturally few contests in the Democratic party in 1916 because the party was unified in its support of Wilson, and in 1920 few candidates were willing to engage actively in campaigning for the nomination of a party which faced almost certain defeat in November.

From the above analysis it is apparent that well-defined divisions on national questions running through all of the primaries of one party are rare, that the emphasis upon the issues varies from state to state, that national questions often are overclouded by state issues, and that there are instances where interest centres in factional contests for state or district leadership or where there is no contest whatever. The presidential primary laws at present in operation do not in themselves insure clean-cut, nation-wide divisions of opinion within the party—that would of course be impossible under any system, for there are times when there are no issues. The most that can be expected is a system which brings to a head deep-seated differences threatening to poison the party from within, which brings public opinion to a focus upon the questions at issue, which shows up the strong and weak points of the candidates, and which forces party leaders to show their colors in the open. But it cannot be claimed that the existing presidential primaries have met these requirements in all cases. In 1912, so fundamental were the differences between the two wings of the Republican party, that a clear-cut alignment resulted and much light was thrown upon the candidates and the issues in the pre-convention campaigns. In 1916 the same differences of opinion existed but they were much less intense and cropped

out in only a few states. In 1920 the issues were there but they differed from state to state and from candidate to candidate,¹ and no nation-wide alignments resulted. Under the existing system it seems practically impossible to force issues to a focus unless the divisions within the party are extremely sharp. But although nation-wide alignments have been rare, the presidential primaries have performed a useful function in bringing into the light many state-wide differences of opinion which have national significance, and in making it possible for a protesting minority to bring to popular vote issues which were formerly settled in the dark of the "unofficial conference."

Unquestionably it would be highly desirable if the real issues within the party could be brought to a national focus but several features of the present system make that practically impossible. In the first place less than a majority of the states have any form of presidential primary and some of the most strategic states are not included in the group; in the second place the primary dates are scattered over such a long period that it is quite possible for candidates to vary their emphasis upon issues from state to state, and it is impossible to focus public opinion in all of the primary states upon the same issues, or at the same moment; and in the third place all aspirants are not required to submit their candidacies in all states. These obstacles to the successful operation of the presidential primary could be eliminated only by extending the primary to more states and by holding all primaries upon the same day.

TECHNIQUE

An analysis of the technique used by the presidential aspirants forms an extremely interesting study. Of course

¹ Johnson emphasized his opposition to the League, Wood "law and order," and Lowden the budget, in the Republican campaign of 1920.

the campaigns in the primary states are planned as part of a more general campaign extending into non-primary as well as primary states, in which the economic, social, and religious background of various groups and geographical districts is taken into consideration. It is impossible to go into the general plan of attack of each of the important candidates in a study of this kind: what is attempted is an analysis of the technique developed in the primary states and some comparison with the tactics used in the convention states.

The activities of presidential candidates in the primary states falls into three stages: the preparation or "stimulation" period; the active campaign for presidential preferences, and the support of delegates; and the post-primary activities.

The groundwork for the campaign is laid months and even years in advance of the primaries and is a "feeling-out" as well as a "stimulation" process. Public, non-political speeches by candidates, the movies, the Sunday picture supplements and "life stories" help potential "backers" of candidates to estimate their strength and at the same time stimulate popular interest in them. General Wood laid the groundwork for his South Dakota campaign months before he became an active candidate for the presidency by delivering addresses at Deadwood at the dedication of a Roosevelt monument, and at Mitchell during the Corn Palace Festival.¹ McAdoo's campaign for the Democratic nomination in 1924 probably began when he moved from New York to California, some years before. Former-President Harding's "swing around the circle" in 1923 was unquestionably the first step in a campaign which was to have culminated in his renomination in 1924. It was no mere

¹ *Sioux Falls Press*, Jan. 29, 1920. The addresses were delivered in the summer or fall of 1919.

accident that six books dealing with the career of Leonard Wood were published in 1919 and the early part of 1920,¹ or that the life of Herbert Hoover was made the subject of series of articles appearing in *Sunset* and *Everybody's* in 1920.² If a prospective candidate is in office he often stimulates interest in himself by his activities as a public servant, as did Johnson by his attacks upon the League previous to 1920, and Governor Pinchot by his prominence in President Coolidge's "law enforcement" conference. At this stage the backers of potential presidential aspirants bend every effort to make the candidate well known and favorably known without definitely connecting him with a presidential boom.

The active campaign begins when the candidate or his friends put him forward as an avowed contender for the nomination. The activities of this period may be considered under the headings of organization, publicity and strategy.

An organization of some kind is essential if a presidential aspirant is to become a serious contender for the nomination. Someone must arrange for filing the candidate's name, for pre-primary meetings or speeches, and for the distribution of literature. There must be some central headquarters to which inquiries may be addressed, if nothing more. These organizations vary from lone "campaign managers" to a network of central, regional and state committees which rival in elaborateness the organizations of the two major parties in the final election campaign. Sometimes the can-

¹ Sears, *Career of Leonard Wood*, 1919, Appleton; Holme, *Life of Leonard Wood*, 1920, Doubleday; Hobbs, *Leonard Wood, Administrator, Soldier and Citizen*, 1920, Putnam; Hagedorn, *That Human Being, Leonard Wood*, 1920, Harcourt; Davison, *Why Leonard Wood?* 1920, 59 Wall St., New York City; *Leonard Wood on national issues, the many sided mind of a great executive shown by his public utterances*, compiled by Evan J. David, 1920, Doubleday.

² R. W. Lane and C. K. Field, "Making of Herbert Hoover," *Sunset*, April to September, 1920; and Vernon Kellogg, "Story of Hoover," in *Everybody's*, February to June, 1920.

didate himself is the moving force behind the organization, sometimes it lacks his support, if not his sanction, as for example the Hoover organization in 1920.

Perhaps the most elaborately organized pre-primary campaign was that of Wood in 1920. He maintained two headquarters, one in New York under the control of Frank H. Hitchcock, the other in Chicago under the supervision of Colonel Procter. The Eastern Division directly controlled the states eastward from (but not including) Ohio, and northward from West Virginia, and seems to have had supervision over the Southern Division which was directly controlled by Senator Moses. The rest of the United States reported directly to the Western Headquarters and in so far as there was any general control it was there rather than in New York.¹ Each division had its own corps of assistant managers, office helpers, etc. In each state there was organized a campaign committee on finance. Working in conjunction with this formal campaign organization was a "Leonard Wood League," organized very early in the campaign primarily to stimulate interest among the younger voters, and under the control of Colonel Procter. The activities of the League were largely merged with the Western Headquarters after Procter assumed control there.² In many states the intensive organization of the Wood forces extended into the congressional districts.³ The Eastern Division maintained extensive and well equipped offices in New

¹ This description of the Wood organization is drawn from the testimony given before the Kenyon Committee in 1920. See *Hearings Before a Subcommittee of the Committee on Privileges and Elections, pursuant to Senate Resolution 357*.

² See the testimony of Frank H. Hitchcock before the Kenyon Committee, *Hearings before a Sub-committee of the Committee on Privileges and Elections, pursuant to Senate Resolution 357*, pp. 2 ff.

³ In Ohio the Wood delegates organized as follows: one district committeeman was chosen in each district by the candidates for delegate and alternate, each county had an executive committee of nine chosen in the same way, and each precinct had a chairman and one worker for every fifteen voters. *Cleveland Plain Dealer*, March 9, 1920.

York, the management of which was described as being as characteristically one hundred per cent efficient as Wood himself. According to this observer: "Energetic young men analyze and index and classify. There is the glint of efficiency, of super-efficiency, about the organization. If any stone has been left unturned it is because the management decided the effort not desirable. I cannot believe that anything has been forgotten." ¹

In sharp contrast to this elaborate machinery was the Johnson organization of the same year. The Senator maintained headquarters in New York City but it was described as a "one-man and one-woman" affair.² The entire force never consisted of more than Manager McSween, three men, two stenographers, and one woman to take charge of the women's organizations, and never occupied more than three rooms in the Pennsylvania Hotel.³ His only attempt at elaborate organization was in California.

The greatest danger which faces any presidential campaign is internal dissension and the more elaborate the organization the greater appears to be the danger from this source. An elaborate machinery of national and state managers may be wrecked if there is friction between the different parts of the machinery. In the Wood campaign of 1920 serious differences arose between the managers over important questions of policy.⁴

¹ William L. Chenery, "Storm Centers of the National Political Campaigns," in the *New York Times*, May 2, 1920, Sec. VI, p. 1.

² *Ibid.*

³ See testimony of Mr. McSween before the Kenyon Committee, pp. 33 ff. For a description of the elaborateness of the Wood and Hoover New York headquarters see John W. Owens, "G. O. P. Pre-convention Campaign Sets New Mark for Costliness," *Baltimore Sun*, April 9, 1920.

⁴ For example over whether or not Wood should enter Illinois and Ohio or leave those states to the "favorite sons." William King, who preceded Procter as campaign manager, resigned because of a disagreement over a question of policy and Procter and Hitchcock had a serious difference which threatened to wreck the force of the Wood

In 1920 most of the contestants for presidential honors gave a great deal of thought to the organization of women. Women were sent into South Dakota from both the Wood and Lowden headquarters to organize the women of that state into clubs favoring their candidates,¹ and the wives of both contestants accompanied their husbands on part of their South Dakota tours and were the guests at teas given by the women's organizations.

After an organization has been perfected its task becomes largely one of publicity—of educating the public in regard to the superior qualities of its particular candidate. The oldest form of publicity is personal campaign on the part of the candidate and it is a form of appeal which has been used by almost all candidates to a greater or lesser degree. In 1912 Roosevelt and La Follette campaigned extensively in most of the primary states with telling effect² and Taft spoke in Massachusetts and New Jersey in a vain effort to stem the tide of Roosevelt sentiment. The personal appeal was used by the Democrats to a less extent but Wilson and Harmon campaigned in some of the primary states. There was no personal campaigning by the important candidates in 1916, but Cummins, Estabrook and Burton spoke in a few states. In 1920 Johnson depended almost entirely upon

campaign in Ohio. *Cincinnati Enquirer*, Apr. 25, 1920, p. 1. See also the testimony given before the Kenyon Committee, *op. cit.*

¹ *Sioux Falls Press*, January 24, and January 27, 1920, p. 6.

² The *Chicago Tribune* said of Roosevelt's Pennsylvania campaign: "The sweeping tide of Roosevelt sentiment was largely the result of the Colonel's whirlwind trip through the state last week." (April 15, 1912, p. 1.) The *Omaha Bee*, although a strong Taft paper admitted that in Nebraska "It is not to be gainsaid . . . that Colonel Roosevelt's visit and personal campaigning here on the eve of the voting exercised a potent influence. No more striking example exists of the cumulative operation of cause and effect in politics." (April 21, 1912, p. 4.) La Follette's power in South Dakota is testified to by the fact that on the eve of the primary he addressed an immense audience in Sioux Falls "and probably changed more votes than any speech ever given in the city." *Sioux Falls Argus*, June 3, 1912, p. 1.

his own speechmaking tours for publicity. He campaigned intensively in Nebraska, South Dakota, Michigan, New Jersey, North Dakota and Indiana, and spoke in New York, North Carolina, and Maryland as well. General Wood used the same method of bringing his candidacy before the people, making less extensive tours of Illinois, Nebraska, Indiana, South Dakota, Michigan, Massachusetts, Ohio, North Carolina and West Virginia. Lowden and Harding spoke in a few states.¹ Such campaigns give large numbers of voters a chance to get a certain amount of "personal contact" stereotyped though it may be, with the presidential aspirants, and the personal touch does go far with the American voter. It is possible, however, to carry this method to a point where it injures, rather than aids the candidate's chances. A hoarse, tired candidate whose speeches have lost their spontaneity fails to make a popular appeal and uses up energy which might better be expended in other directions.² If the presidential primary should be extended to most of the forty-eight states it would be a physical impossibility for one candidate to cover all of them as intensively as was done by Roosevelt and La Follette in 1912 or by Wood and Johnson in 1920 and the personal appeal would either have to be abandoned or confined to a few strategic points.³

In addition to his personal appeals, the candidate's interests may be furthered by speeches by prominent men supporting him. Raymond Robins, Senator Borah, and Senator Kenyon, for example, gave valuable aid to the Johnson candidacy in 1920.

Advertising of all kinds is becoming an increasingly pop-

¹ Lowden in Nebraska and South Dakota, and Harding in Ohio.

² The latter part of Johnson's 1924 campaign is perhaps a case in point.

³ The radio will probably prove an effective substitute.

ular instrument of publicity in presidential primary campaigns. In 1912, in spite of the intensity of the campaign, there was little paid newspaper advertising of any kind and what there was was mostly in the nature of lists of candidates and their choices for president. In 1916 there was some advertising for Estabrook, and in North Dakota advertisements appeared advising voters which delegates were for La Follette and which had the support of the State Committee, but on the whole advertising played a small part in the campaign. But in 1920 the campaign managers resorted to all of the arts known to the commercial world in their efforts to "sell" their candidates to the voters. This was especially true of the Wood organization, which advertised in South Dakota, Illinois, Ohio, Indiana, North Carolina, and New Jersey, but there was some advertising on behalf of Lowden, Harding, Hoover and Johnson. The most strenuous advertising battle was that engaged in by Wood and Lowden in South Dakota, when the two Sioux Falls papers¹ carried some fifteen full-page advertisements for each of these candidates. In 1924 the Coolidge managers used advertising in the only state in which their candidate's supremacy was seriously threatened—South Dakota.

Some of these advertisements are perfectly legitimate statements of the arguments for the candidate whose interests they aim to further, but most of them are criticisms of the opposing candidate, usually merely ridiculous, but sometimes degenerating into the most objectionable kind of mud slinging.²

Of course presidential aspirants get much unpaid public-

¹ The *Sioux Falls Argus-Leader* and the *Sioux Falls Press*.

² The fact that Mrs. Lowden had been Miss Pullman before her marriage was urged as proof that Lowden was the creature of the "special interests." See advertisement in the *Sioux Falls Press*, Feb. 22, 1920, p. 8.

ity in the columns of the papers supporting their candidacies, but the exact amount of this it is impossible to ascertain. "Free" advertising is also obtained by means of the "patent insides" furnished to small-town papers. In 1920, for example, one campaign committee circulated a "double column cut of Wood and a two column puff" which appeared in many weekly newspapers in Michigan during that campaign.¹ In the same year a South Dakota paper ran a series of special articles in the women's section giving pictures of prominent club women and their reasons for favoring Wood for president.²

Advertising by means of hand-bills, banners and bill boards has been used extensively, but just how extensively it is impossible to say. The movies offer great possibilities to the alert campaign manager, but so far as the writer has been able to ascertain it is a form of publicity which has been used but little in primary campaigns.

The more expensive forms of boosting include dinners, banquets and personal telegrams. In 1912, in New Jersey, Nugent endeavored to launch an anti-Wilson move at a dinner given to sixty-five prominent Democrats of the state,³ and in South Dakota, if the charges made in the Lowden advertisements can be believed, the Wood people gave a \$500 banquet at Sioux Falls in the interest of their candidate.⁴ In 1916 the Roosevelt delegates at large in Massachusetts were reported to have sent out "thousands" of telegrams in an eleventh-hour effort to win votes.⁵ That some use of the radio has already been made in primary campaigns is evidenced by the fact that in 1924 Johnson's Nebraska manager complained "that although a Coolidge supporter had

¹ *Detroit News*, March 7, 1920, p. 12.

² See the *Sioux Falls Press* for March 1920.

³ *Newark News*, March 4, 1912, p. 2.

⁴ *Sioux Falls Argus*, March 16, 1920, p. 11.

⁵ *Christian Science Monitor*, April 22, 1916, p. 6.

been permitted to make a political speech over 'WOAW,' that privilege had been denied to Johnson.¹ The radio played some part in the New Jersey campaign in the same year but the full possibilities of this form of publicity have been as yet unrealized in presidential primary campaigns.

Finally we come to the strategy used in the planning and executing of the various campaigns. To begin with, a candidate may adopt the policy of presenting himself in all, or practically all, of the primaries as Johnson and Wood did in 1920, and Coolidge and Johnson did in 1924; or he may try to make a respectable showing in a few primaries and deliberately depend upon the uninstructed delegates to swing to him and break a deadlock between candidates having a fairly equal support from instructed delegations, as did Harding in 1920;² or (if he is a candidate for renomination and reelection) he may practically ignore the primaries, building upon patronage-controlled southern delegates and uninstructed delegations. It is not without significance, that in the 1924 campaign Coolidge did not rely solely upon Southern delegates and uninstructed delegates for his support, but submitted his case directly to the people in all of the presidential primaries. That may set a precedent which it will be difficult to break.

Having decided upon a campaign in the primary states, the next question facing a campaign manager is whether or not to make a "bid" for the support of the regular party organizations in those states. If he can win the support of the organization he is largely freed from the responsibility of

¹ *Omaha World-Herald*, March 28, 1924, p. 4. "WOAW" explained that Johnson was denied the use of the radio because he had not made arrangements in advance, and not for political reasons.

² See statement by Daugherty, his campaign manager, in the *New York Times*, April 11, 1920, p. 4; also testimony before the Kenyon Committee, *Hearings*, pp. 267 ff.

conducting an active campaign on behalf of his candidate; that function will be taken over by the state central committee.¹ On the other hand such tactics lay the candidate open to the charge of being controlled by the machine.

In planning a campaign every aspirant for presidential honors has a choice between taking a definite stand upon a single dramatic issue, as was the Johnson policy in 1920, or making a direct attack on several different issues—La Follette's and Roosevelt's policy in 1912—or dealing in glittering generalities that enable him to stand for all things to all men, after the fashion of Harding, Lowden and Wood in 1920. The last policy makes it possible to tack to meet the changing winds encountered in going from state to state as Wood did in 1920 on the issue of compulsory military training.

State pride is often an important factor in determining the strategy to be used in presidential primary campaigns. Any candidate is fairly sure of his own state if he stresses the state pride issue strongly enough. In Illinois in 1920 the Lowden managers made that the keynote of their campaign: "Lowden has made good for us—now let us make good for Lowden," read one advertisement.² The Pershing supporters vainly presented his claim to being Nebraska's "favorite son," the *Omaha Bee* entreating the voters to "be true to Nebraska" and to vote for "Nebraska's own candidate,"³ and a Pershing advertisement reading: "Twelve other states have their candidates in the field for the Republican presidential nomination. Today is Nebraska's last chance to enter *its* candidate. Cast your vote for your own

¹ See testimony of Thomas W. Miller, a Wood man, before the Kenyon Committee. ". . . I can explain my not knowing the names of all of the people, because New Jersey was one of the few states where we had the Republican organization with us." *Hearings* p. 495.

² *Chicago Tribune*, April 11, 1920, p. 11.

³ April 20, 1920.

citizen—John J. Pershing and a real Nebraska delegation.”¹ In 1920 the Harding leaders made “an Ohio candidate against an outsider” the keynote of their campaign against Wood.² The native pride idea has been carried to such an extreme that it is almost a tactical blunder for any candidate to enter the home state of another. In 1920 it was claimed that Wood lost ground by antagonizing the favorite sons. To use Mark Sullivan’s words:

“He has declined to observe certain amenities time honored among politicians. He has fought Lowden in his home state; he is going to fight Harding in his home state and he is fighting Pershing in his own state.”³

However, the successes of Wood in Ohio and Illinois in 1920, and of Coolidge in California in 1924 may have put a crimp in the tradition that the home state of a candidate is his own sacred province. Of course if a candidate has any chance of becoming the second choice of a delegation pledged to a favorite son it is poor policy to antagonize the favorite son or the state leaders by entering in that state.⁴

Sometimes presidential aspirants find it extremely difficult to avoid unfortunate alignments within a state. For example in 1920 Johnson’s support in Montana and North Dakota came from the Non-Partisan League forces, yet it would have lost votes for him in other states if he had become identified as the candidate of that organization. By skillful maneuvering he managed to get through the campaigns in those states without losing the support of the Non-Partisan League but without making any “entangling alliances.”

¹ *Omaha Bee*, April 20, 1920.

² *Cincinnati Enquirer*, March 3, 1920, p. 1.

³ *Des Moines Register*, April 18, 1920, p. 1.

⁴ McAdoo refused to permit his name to be entered in Nebraska in opposition to Governor Bryan in 1924, probably for that reason. *Omaha World-Herald*, Jan. 22, 1924, p. 3.

It is generally conceded that a tactical advantage is gained by the candidate who can carry the early primaries.¹ This explains why some of the hottest contests have been waged over the comparatively insignificant number of delegates from the Dakotas and why they are literally the storm center of the pre-convention campaign. Their importance is not measured by their twenty delegates, but by the effect of those primaries upon other states. Michigan and Illinois are in much the same position.

There are certain fetishes of great value to the candidate who can claim identity with them. Every presidential aspirant makes a mighty effort to prove his claim to being a lowly son of the soil, especially in the agricultural states of the Middle West. In 1920 the emphasis which the Lowden advertisements put upon his agricultural origin approached the ludicrous. One of them gave pictures of the humble farm-house in which he was born and the "little red school house" where he got his early education!² They also endeavored to prove that in spite of his business interests he was still at heart a farmer. A battle royal was waged between the Wood and Lowden forces in South Dakota over the trivial question whether "Sinissippi" was a bona fide experimental farm or a luxurious summer home.³ The Wood people claimed that Sinissippi was a freak farm where Lowden started some new activity just before election time, and that Lowden was no more a farmer than was John D. Rockefeller; the Lowden managers retaliated with letters from Lowden's neighbors testifying to the success of

¹ One Wood advertisement used in South Dakota in 1920 claimed that Wood had won every pledged delegate in every primary already held. In the list of states appended there was only one state—New Hampshire—which had direct election of delegates. See *Sioux Falls Press*, March 21, 1924.

² *Sioux Falls Press*, March 16, 1920, p. 6.

³ See advertisements in the *Sioux Falls Argus-Leader*, March 13, 1920, p. 9, and March 19, 1920, p. 4, and in the *Sioux Falls Press*, March 14, 1920, p. 5.

his farming, and his interest in the Shorthorn Breeders' Association! In 1924 the same tactics were used by the Coolidge campaign managers, who boomed him in South Dakota as the candidate who would have the agricultural interests at heart because he was born and raised on the farm and who branded Johnson as "the son of a big corporation lawyer, educated in the city schools of California and by profession a lawyer."¹

In 1920 every Republican candidate made an effort to prove his right to some share of the Roosevelt mantle. Johnson, Wood and Lowden fairly tore it into shreds in their efforts to come within its protection. The Johnson advertisements in Michigan contained the famous picture of "Teddy" and Johnson taken in 1912 and a copy of the Roosevelt letter in which he said of Johnson "of all the public men in this country he is the one with whom I find myself in most perfect sympathy";² while the Wood accounts contained much of "what Theodore Roosevelt thought of Leonard Wood";³ and a friendly letter written by Roosevelt to Lowden was reprinted in the latter's Indiana advertisements.⁴

The day of the military candidate is apparently passing in the United States. In the 1920 campaign frequent attacks were made upon Wood in the early part of his campaign because of his "militaristic" tendencies and his advocacy of compulsory military training. One Lowden advertisement used in South Dakota asked "Which shall it be for President—a farmer and a business man, or a military general?"⁵ and another "Do you want the goose-step or the forward step? Do you want militarism or American-

¹ *Sioux Falls Argus-Leader*, Dec. 20, 1923, p. 5.

² *Detroit News*, March 28, 1920, also used in South Dakota.

³ *Sioux Falls Press*, January, 1920.

⁴ *Indianapolis News*, May 3, 1920, p. 12.

⁵ *Sioux Falls Press*, March 16, 1920.

ism? Do you want rule by the People or dictation by the machine? Do you want 'General' Wood or 'Governor' Lowden?"¹ In his campaigns in such middle western states as South Dakota, Illinois and Michigan, Wood carefully avoided appearing in uniform or using pictures of himself in uniform in his advertisements. Every effort was made to emphasize his experience as an administrator rather than as a warrior and to keep in the background his ideas on military training and a standing army.² In a speech in Sioux Falls, South Dakota, Wood was careful to state that army men are not "militaristic" but hated war because they knew what war was.³ Pictures of Wood in uniform did appear in his advertisements in North Carolina,⁴ and in one case in Ohio,⁵ but in the latter state there was much opposition to a "military" candidate, especially in the western part of the state where there had been clashes with the soldiers in connection with labor troubles.⁶

Close association with "big business" interests or lavish expenditures of money may injure a candidate's interests. Wood and Lowden attempted to brand each other with the stigma of wealth in 1920. One Lowden advertisement published a picture of the speakers' table at a \$500 Wood banquet and printed beneath it: "Rather expensive campaigning, but the Powder Trust, Steel Trust and J. Pierpont Morgan do not care for expenses.—Do you think a man that allows such extravagance in his campaign would make a safe and economical president?"⁷ The same attack was made by the *Sioux Falls Argus* on its editorial page: "South

¹ *Sioux Falls Press*, March 19, 1920.

² See advertisements in the *Sioux Falls Press* during March, 1920, and in the *Chicago Tribune*, April 12, 1920. In Michigan his picture never appeared in uniform and the press avoided calling him "general."

³ *Sioux Falls Press*, Feb. 26, 1920, p. 3.

⁴ *Charlotte Observer*, June 4, 1920, p. 12.

⁵ *Cincinnati Enquirer*, March 14, 1920, p. 34.

⁶ *Ibid.*, March 15, 1920, p. 31.

⁷ *Sioux Falls Press*, March 16, 1920, p. 11.

Dakota people will be interested to know that Herbert Satterlee, brother-in-law of J. Pierpont Morgan, is helping to direct the Wood campaign from the New York headquarters . . ."¹ The Wood managers used the same form of attack: one advertisement began "Lowden is not a business man, Lowden merely represents 'Big Business.'"² In the same campaign Johnson and Borah (as a Johnson supporter) made charges of extravagance against both Wood and Lowden.³ The disclosures regarding McAdoo's identification with the oil interests were probably responsible for wrecking a promising presidential boom in 1924.

It was in 1912 that a group of candidates, strong as individuals in different sections of the country, were charged with having combined to defeat Wilson by parcelling out the territory among Clark, Harmon and Underwood, and conserving their resources by concentrating their strength on one candidate.⁴ Whether or not such a combination was actually entered into at that time, it is a possible form of strategy.

The activities of a presidential aspirant in the primary states might be supposed to end with the last primary election. But that is not the case with the most astutely managed campaigns. There is an important post-primary stage which is devoted to "talking up" a candidate to the uninstructed delegates and to winning promises from them to work for this candidate as a second choice if the chances of their first choice begin to fade. This is largely a subterranean performance and the ways and means used to influence the delegates are not recorded. But it may be an

¹ *Sioux Falls Press*, March 11, 1920, p. 6.

² *Ibid.*, March 14, 1920, p. 5.

³ *New York Times*, March 31, 1920, p. 2; and *Detroit News*, March 29, 1920, p. 16.

⁴ In the primary states the battle was largely between Clark and Wilson. Harmon entered in Ohio and Clark did not, and both Clark and Harmon entered in Nebraska.

extremely important stage in the procedure and no discussion of technique should be concluded without at least alluding to it.

We have seen that the managers of presidential primary campaigns resort to all the intricate organization, elaborate publicity methods and clever technique which characterizes the campaigns preceding a general election. A certain amount of such organization and publicity is essential but it is extremely doubtful if the more elaborate publicity campaigns are necessary or effective. In 1920, Hiram Johnson with a limited organization and almost no publicity campaign aside from his personal speeches, polled 250,000 votes more than General Wood, who had one of the most elaborate organizations ever perfected in a pre-primary campaign.¹ A little more experience in such campaigns will probably show political managers where the law of diminishing returns begins to operate.

The likelihood of such super-elaborate organizations would be less if the presidential primary were extended to all or most of the states and all primaries were held at the same time. The wide variety in the primary dates tempts the campaign manager to adopt the methods of the itinerant circus—in fact the present arrangement of primary dates is admirably suited to such a practice. He can begin in Alabama and Georgia in early March; camp in the Dakotas in the latter part of that month; move on to Wisconsin, Michigan, Illinois and Nebraska for the early part of April, and to New Jersey, Pennsylvania and Massachusetts for the latter part; return by a backward swing through Ohio, Indiana and Maryland the first week of May; go on to the Pacific Coast, if California and Oregon are deemed of sufficient impor-

¹ See Chapter XI for a comparison of the number of delegates controlled by Wood and Johnson in 1920. For the votes of the various candidates in the presidential primaries of 1920, see Table I, Appendix C.

tance; and return through Montana to West Virginia, Florida and North Carolina. Such an itinerary would omit only New Hampshire and New York, and while it involves "swinging around the circle" twice it necessitates much less hopping from state to state than might have been supposed. If the primaries were held on the same day intensive state-by-state campaigning of this kind would be impossible and the results in one election would not influence opinion in other states.¹ The adoption of the presidential primary by all of the states would materially change the character of the pre-primary campaigns for much the same reason, and the personal tour would have to be displaced by the radio and the movie or by a combination of the two.

PARTY ORGANIZATION

That the regular party organization has taken part in the presidential primary campaigns has been indicated in our consideration of the methods of proposing candidates for president and delegates. When there is no sign of a contest within the party this is a function which the state committee or the national committeeman takes over.² When there is a contest the organization may or may not take a definite position in the matter. In Montana, in 1916, the Republican State Central Committee announced that it would file the names of all presidential candidates and that it held itself ready to circulate the petition of any person as a candidate who would deposit \$50 with the committee, the money so contributed to be used in the defraying of the expenses of

¹ There is no doubt that California would have been carried for Johnson in 1924 if all of the primaries had been held at the same time, or if the California primary had preceded those in North Dakota, Michigan and Illinois.

² As, for example, the Democratic party in 1916.

looking after the petition.¹ But in spite of the fact that the state committee is the organization of the party as a whole and might be expected to remain neutral in primary struggles it usually not only suggests lists of delegates but throws the whole weight of the organization to one presidential candidate or another. This was the case in the 1912 Republican primaries in Illinois, Maryland, Massachusetts, New York, Ohio and Pennsylvania, when the party organization opposed Roosevelt and supported Taft; and in 1920 the organizations in Illinois and Ohio supported Lowden and Harding, respectively, against Wood, and opposed Johnson in Indiana, Maryland, Michigan, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, and South Dakota. In fact in most presidential primary contests the issue is between a candidate having the power of the party organization at his command and a candidate who has not, and the fight is as much "organization" versus "anti-organization" as it is Wood versus Johnson, let us say. Usually this backing is given quite openly and may include the expenditure of party funds and the use of party stationery for the favored candidate as well as arranging his tours and giving him the "moral" support of the members of the committee. Occasionally presidential primary campaigns may develop into conflicts between the state and national party organizations as was the case in New Jersey in 1920.

Such practices may be condemned on the ground that they give the candidate with the support of the organization an unfair advantage, but it is difficult to see how they could be avoided. If members of the committee are prohibited from acting as a committee they may still act as individuals. The

¹ *Helena Independent*, Feb. 3, 1916, p. 14. In Oregon the state committee has consistently maintained a "hands off" policy, at least outwardly.

practice of giving the financial aid of the party to one candidate, however, probably could and should be eliminated.

The most significant thing about the activity of the organization is that it does not necessarily bring victory to the candidate to whom its support is given. Roosevelt successfully met an organization-backed Taft in Massachusetts, Pennsylvania and Ohio in 1912, and in 1920 Johnson carried Michigan, Montana, Nebraska and North Carolina against the opposition of the organization and made strong bids for South Dakota and New Jersey. The presidential primary has not eliminated the activity of the organization in the race for convention delegates, but it has made it possible for opposing candidates to win in spite of that activity. In fact the support of a state organization may be a very real handicap to a candidate as was the case in Illinois in 1912 when the activity of the state committee on his behalf identified Taft with Lorimerism and "jack pot" politics.

CHAPTER X

INTEREST AND EXPENSE

INTEREST

To a certain extent popular interest in the presidential primaries can be measured by the size and enthusiasm of the meetings and the amount of newspaper discussion preceding the primaries, but the surest index is the size of the vote cast and its relation to the vote in other elections.

In Tables III and IV of Appendix C the vote cast in the presidential primaries has been compared to the vote cast in the general elections of the same year. The fairest index of the potential voting strength of the parties would be the *party enrollment*. Unfortunately for purposes of comparison, however, some of the presidential primary states do not require an enrollment of party,¹ and comparable figures would not be obtainable for all of the states; consequently the vote for president in the general election has been used instead. These figures are open to the objection that many independent voters are included who have either not participated in the primary at all, or have participated in the primary of the opposite party; also that general election figures are subject to violent fluctuations such as the Republican "landslide" of 1920,² which make them less satisfactory as a norm or standard than the party registration figures would be. The general election figures represent

¹ For example, Wisconsin, Montana and Michigan.

² The percentage of the general election vote cast in the Republican presidential primaries of 1920 is probably dragged down by the fact that the 1920 Republican general election vote was unusually high.

the maximum voting strength of the particular party tickets rather than the normal strength of the different parties.

An analysis of these tables, however, reveals certain interesting facts. In eleven cases a lack of interest is indicated by the fact that only one candidate or no candidates entered the primary and under the provisions of the laws of the respective states no primaries were held.¹ Confining our attention to the states in which the voters were given an opportunity to participate it is evident at a glance that the vote in the presidential primary is always much lower than the general election vote. Taking all of the states it was 57.2 per cent of the general election vote in 1912; 30.5 per cent in 1916 and 33.7 per cent in 1920, or an average of 40.5 per cent of the general election vote for these three elections. In 1924 the La Follette vote forms so disturbing a factor that exact comparisons are impossible, but if the total vote cast in all presidential primaries in that year is compared to the total Coolidge, Davis and La Follette vote the ratio is 34.8 per cent, while if the La Follette vote is omitted and the Coolidge and Davis vote is used as a base the ratio is 43.4 per cent. The interest evidenced in the 1924 primaries, as measured by the size of the vote cast, was as great or a little greater than in 1920. In certain instances the presidential primary vote has been more than the general election vote, the 1912 Republican vote in North Dakota being 122.2 per cent, and in South Dakota 117.2 per cent, and in other cases it has closely approached it.² At the other extreme we have the Democratic vote in the presidential primary of Massachusetts in 1916,

¹ In Maryland in 1916 and North Carolina in 1916 and 1924 no primary was held by either party, and in North Carolina in 1920 and in Indiana and Maryland in 1920 and 1924 no Democratic primary was held.

² The Republican vote in the 1912 presidential primary in Oregon was 99.5 per cent of the general election vote, and in Wisconsin in the same year it was 94.3 per cent. In California in 1920 the presidential primary vote in the Republican party was 92.8 per cent of the general election vote.

where only 7.9 per cent of the general election vote was cast, and the 1920 Democratic votes in Vermont (3.4 per cent), Illinois (4.0 per cent), and California (13.4 per cent). In general, however, the presidential primary vote varies from about a third to something over a half of the vote in the general elections.

It is also evident that the presidential primary vote varies greatly from campaign to campaign. Taking all states together the largest vote was cast in 1912, the lowest in 1916, with 1920 and 1924 falling between the two. This is equivalent to saying that the character and intensity of the contests greatly affect the size of the vote. As we have already seen,¹ the primary contests in 1912 in both parties, and especially in the Republican party, were exceptionally clear-cut and the feeling between the progressive and conservative wings of the party intense; while in 1916 there was no opposition to Wilson as the nominee of the Democratic party, and neither of the outstanding figures in the Republican party submitted his name in the primary. These two primary campaigns represent the greatest possible extremes in popular interest. The campaign of 1920 falls between the two. In that year the national party organizations adopted a "hands off" policy that resulted in an open field for all comers and a number of candidates in each party. Some of these candidates entered in only a few states and the character of the contest varied from state to state. The 1924 Republican primaries were clear-cut contests between Coolidge and Johnson but interest dwindled when it became evident that popular support was behind Coolidge.

In general the ratio between the votes in the three years in each state corresponds fairly closely to the relationship between the votes in the three years in the country as a whole, but there are important and significant exceptions. For ex-

¹ Chapter IX.

ample, in California in 1920 the Republicans voted more heavily in the presidential primary than in any other year, as a result of the keen contest between the two native sons, Johnson and Hoover; while in Massachusetts and Vermont in the same year the Republican vote in the presidential primary was extremely low. In several states in which there were contests in 1916 the vote in that year exceeds, or closely approaches, that of 1920; for example in Pennsylvania there was a bitter contest between the Penrose and Vare factions of the Republican party and 54.2 per cent of the general election vote was cast at the primary of 1916 as against 52.0 per cent in 1920; in Massachusetts, where there was one of the few contests between the Roosevelt and anti-Roosevelt forces, the Republican vote was 39.3 per cent of the general election vote in 1916 as against 22.5 per cent in 1920; in North Dakota a similar recrudescence of the progressive-conservative fight of 1912 pushed the presidential primary vote in the Republican party to 62.2 per cent of the general election vote in 1916, and in Nebraska the Republicans cast a heavier vote in 1916 than in any other year. Local political conditions materially affect the size of the vote.

It is also evident from these comparisons that the presidential primary has been used to a much greater extent by the Republicans than by the Democrats. In eight cases the Democrats held no primary.¹ In 1912 the Republicans cast 70.3 per cent of the general election vote while the Democrats cast but 41.8 per cent; in 1916 the Republican vote was 37.2 per cent and the Democratic 22.6 per cent, and in 1920 the Republican vote was 38.9 per cent and the Democratic 21.0 per cent. This apparent lack of interest upon the part of the Democratic voters may be explained by the lack of significant

¹ Indiana in 1920 and 1924; Maryland in 1916, 1920 and 1924; and North Carolina in 1916, 1920 and 1924.

contests, which is probably the result of the weakness of the Democratic party in many of these states. Only four of the presidential primary states are *normally* Democratic, all of the rest being normally Republican or doubtful. It is significant that of the five states where the Democratic vote has exceeded or approached the Republican vote all but one are normally Democratic or doubtful.¹ That the Democrats use the presidential primary less than the Republicans is clear, but whether this is the result of lack of interest, or the general party situation, or the fact that few of these are strongly Democratic states is debatable.

Another point which is brought out by these figures is the wide variation in the size of the vote between various states and geographical sections. In Table F the six states in which the highest average percentages were cast and the six states in which the lowest percentages were cast have been listed in order of the size of the vote.

TABLE F

AVERAGE OF PERCENTAGE OF GENERAL ELECTION VOTE
CAST IN THE PRESIDENTIAL PRIMARIES,
1912-1920

TOTAL VOTE				REPUBLICAN VOTE			
Low		High		Low		High	
N. Y.	13.8	Wis.	64.8	N. Y.	13.7	Ore.	86.0
Ia.	14.3	Ore.	63.4	Ia.	14.4	S. D.	84.7
Vt.	14.4	S. D.	59.6	N. C.	14.7	Cal.	77.3
N. C.	14.7 *	N. D.	56.3	Vt.	15.9	N. D.	75.1
N. H.	20.1	Cal.	53.0	Mont.	29.1	Wis.	72.2
Mont.	24.7	Neb.	51.1	N. J.	29.9	Neb.	64.2

* Republican only; no Democratic primary held.

It is apparent that the average total vote has varied from 13.8 per cent in New York to 64.8 per cent in Wisconsin,

¹ New York, New Jersey, Ohio, Indiana.

and that the average Republican vote has varied from 13.7 per cent in New York to 86.0 per cent in Oregon. The six states Wisconsin, Oregon, South Dakota, Nebraska, North Dakota and California are found at the top of the list whether the total vote or the Republican vote is considered, although the order is not the same. New York, Iowa, Vermont, North Carolina and Montana are at the bottom of the list in both cases, but New Hampshire is the sixth state when we consider the total vote and New Jersey the sixth state if the Republican vote only is taken. From these figures it is clear that the voters of certain states habitually participate in the presidential primary to a greater extent than in others.

In order to ascertain whether or not there is a relationship between the geographical district and the interest in the presidential primary the states have been divided into four groups: North East, including the New England and Middle Atlantic states; the Center, including Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio and Wisconsin; the West, including Nebraska and the Dakotas as well as the Mountain and Pacific states; and the South, including Maryland, North Carolina, and West Virginia.¹ Leaving out of consideration for the time being the Southern group, where the primary has not been used sufficiently to afford comparable data, it is evident that the size of the vote increases as we go westward. Taking the average of the total vote in the three campaigns by geographical districts we find that on the average only 32.8 per cent of the general election vote was cast in the presidential primary in the North East, 43.7 per cent in the Center, and 53.2 per cent in the West. With

¹ This is the grouping used by Merriam in his *American Party System* (see p. 326) and seemed better adapted to a political analysis than the more detailed division of the United States Census.

the exception of 1912 the same relationship holds for the total vote in each year, as indicated in Table G below.

TABLE G

SUMMARY OF THE RATIO OF THE TOTAL VOTE CAST IN THE PRESIDENTIAL PRIMARY TO THE TOTAL VOTE CAST IN THE GENERAL ELECTION BY GEOGRAPHIC SECTIONS, 1912-1924

Note: The designation U. S. is used for all states having presidential primary laws. The 1924 ratios are based upon the total vote for Coolidge, Davis and LaFollette.

1912		1916		1920		1924	
Center	64.7	West	37.5	West	59.9	West	50.5
West	62.2	Center	31.5	Center	35.0	U. S.	34.8
U. S.	57.2	U. S.	30.5	U. S.	33.7	Center	34.0
North East	48.7	North East	25.0	North East	24.8	North East	23.3

The ratio of the presidential primary vote in the North East is invariably the lowest, and in 1916, 1920 and 1924 the West shows the highest ratio. In 1912 the ratio cast in the Center slightly exceeds that cast in the West. From these comparisons it is clear that it is dangerous to make sweeping generalizations as to the effectiveness or ineffectiveness of the presidential primary as judged by the size of the vote, for the vote varies so materially from section to section.

The facts revealed in Tables III and IV of the Appendix C may be summarized as follows:

1. The vote in the presidential primary is almost always much lower than in the general election;
2. It varies greatly from campaign to campaign;
3. It varies from party to party;
4. It varies from state to state;
5. There is a relationship between the geographical section and the size of the presidential primary vote.

A comparison of the presidential primary vote with the general election vote gives a good basis for studying the *relative* effectiveness in different states, parties and geographical sections. But it cannot be maintained that it gives us an *absolute* standard whereby to measure the effectiveness of the presidential primary as an instrument of popular government. The fact that the presidential primary vote is only one-third to one-half that of the general election vote is not sufficient evidence for condemning it on grounds of lack of popular interest. Obviously the presidential primary cannot be expected to bring out as large a vote as the general election, for primaries are *party affairs* and in most of these states may be participated in only by those willing to declare their affiliation with one party or the other, thus eliminating the independent voter. Absolute interest is to be measured not by the general election vote, but by the vote in other party primaries. For this reason a comparison has been made in Tables V and VI of Appendix C, between the presidential primary votes and the votes of the state primaries.

Taking an average of the total vote in all states we find that, by and large, over 75 per cent of the people participating in the state primaries also participated in the presidential primaries; that the average for the four campaigns in each of the states Nebraska, Wisconsin, and Oregon is over 100 per cent; and that in Indiana, California, and South Dakota it is over 90 per cent. The lowest averages are those of Minnesota (53.2), New Hampshire (52.5), Montana (36.9), Iowa (23.8), and Vermont (21.7), and the fact that the Minnesota and Iowa laws were in effect in 1916 only is a partial explanation of those votes. It is also significant that in 1912, in seven of eight states, the vote cast in the presidential primary was over 90 per cent, and in 1920 it was over 90 per cent in eight of eighteen states.

TABLE H

NUMBER OF STATES CASTING SPECIFIED PERCENTAGES OF STATE
PRIMARY VOTE IN PRESIDENTIAL PRIMARIES, 1912-1920

	1912	1916	1920	1924
Over 100%	5	2	6	3
90-100%	2	2	2	2
75-90%	0	3	1	3
50-75%	1	6	4	3
Less than 50%	0	6	4	4
Total States	8	19^a	17^b	15^b

^a Not including Maryland, North Carolina and West Virginia.

^b Not including Maryland, North Carolina and Indiana.

On the whole the amount of interest displayed in the presidential primary compares favorably with that in the state primary if the size of the vote is to be taken as our criterion. This does not answer the question, is the interest displayed in the presidential primary sufficient to warrant its retention? But it does put the presidential primary and the state primary on much the same footing; they must stand or fall together. Whether the lack of interest in the primaries is so great as to put them in the class of useless luxuries is open for debate and its solution must wait until some standard or criterion has been fixed whereby we may measure absolute lack of interest. That is a problem which falls beyond the scope of this study, but we can say that the presidential primary will be found to meet the test about as well as the state primary.

Unquestionably in certain cases the interest displayed in the presidential primary has justified its existence. Surely there was no lack of interest in the Republican primaries of 1912 when 70.3 per cent of the general election vote was cast; and in the Republican primaries of 1920 in South Dakota,

Wisconsin, Oregon, Nebraska and California the uniformly large vote in the presidential primaries shows no lack of interest. Real contests always result in popular interest and a large vote, and the real problem is whether the presidential primary tends to bring out the real contests within the party.¹

EXPENSE

The expense of the presidential primary is borne partly by the government and partly by the candidates concerned. The candidate must incur the financial burden of bringing his candidacy before the people, but the printing and counting of ballots and the payment of election clerks has been practically universally taken over by the state governments in the United States in the same way as has been the cost of the general election.²

¹ See Chapters XI and XII following.

² The few exceptions to this rule are in the South. In Texas the presidential primary law of 1913 (General Laws, ch. 46) was held unconstitutional on the ground that the expenses of primary elections were not for a "public" purpose. In the course of this rather surprising decision the Supreme Court of Texas said that the state was without power to appropriate money for those things which "either by common usage or because they are in no proper sense the instruments of government, it is the duty of the people to provide for themselves. . . . A political party is nothing more or less than a body of men associated for the purpose of furnishing and maintaining the prevalence of certain political principles or beliefs in the public policies of the government. . . . They perform no governmental function. They constitute no governmental agency. The taxing power of the state can't be used in aid of any political party or to promote the purposes of all political parties. . . . If it is constitutional to use the public revenues to pay the cost of their primary elections, it would likewise be constitutional to pay the cost of their candidates' campaigns." (*Waples v. Marrast*, 108 Texas 5.)

In Alabama the Attorney General held the 1924 law, which levied the cost of the presidential primary upon the counties, unconstitutional. All parties concerned accepted the decision as final and no appeal was taken to the Supreme Court. The Democrats met the expenses of an unofficial primary carried out under the provisions of the law. *Anniston Star*, Jan. 20, 1924, p. 1. Corroborated by a letter from the Secretary of State dated May 10, 1924. In that case, however, the state constitution expressly provided that primaries might not be made compulsory.

The difficulties incident to obtaining an accurate idea of the cost of the primaries to the government are well-nigh insurmountable. To begin with the expense is usually shared by the state and some unit of local government, or is borne entirely by a local unit which keeps no itemized records. In the second place, where figures are available the costs of all elections are often lumped together, supplies such as paper being purchased in bulk with no attempt to apportion the cost between the general election, the state primary, and the presidential primary. Finally, where the accounts are kept separately, registration costs are sometimes included as part of the expense of the general election and sometimes as a part of the cost of the primary. In collecting these figures an effort was made to include only those items which can be directly charged to the presidential or the state primary, eliminating general overhead and all costs connected with registration. The figures presented in Table I are fragmentary and quite frankly *estimates* for the most part. Unfortunately, also, with the exception of California, they are for states where the vote in the presidential primary is low. For that reason they cannot be taken as the basis for estimating the cost of the presidential primary in other states. A rough guess would be that the cost of the presidential primary in those states where it is held separately from the state primary would average between seventy-five cents a vote and one dollar a vote.

So far as the comparative cost of the state and presidential primaries is concerned it seems clear that although the absolute cost of the presidential primary runs lower than the cost of the state primary the cost per vote is generally greater. Is this to be considered a serious indictment of the presidential primary? The writer is inclined to feel that a really effective nominating system would be worth what it

TABLE I

COMPARATIVE COST OF STATE AND PRESIDENTIAL PRIMARIES IN
A SELECTED GROUP OF STATES ¹

Administrative Unit	1916					
	Presidential Primary			State Primary		
	Cost	Total Vote	Cost per Vote	Cost	Total Vote	Cost per Vote
Cal.*	\$ 62,727	64,471	\$.94	\$ 66,068	79,249	\$.82
Iowa.	129,400	71,704	1.80	197,637	302,654	.65
N. Y. City	231,000	136,313	1.69	215,325	186,190	1.12

Administrative Unit	1920					
	Presidential Primary			State Primary		
	Cost	Total Vote	Cost per Vote	Cost	Total Vote	Cost per Vote
Cal.*	\$249,693	378,611	\$.65	\$265,438	275,435	\$.96
Chicago	332,040	249,371	1.33	397,752	464,806	.85

* Based upon three counties in 1916 and 5 counties in 1920 as follows:

Counties †	1916			
	Presidential Primary		State Primary	
	Cost	Total Vote	Cost	Total Vote
Sacramento	\$22,178	10,803	\$20,253	14,924
Santa Clara	12,773	12,223	10,676	16,452
Alameda	27,776	41,445	35,139	47,873

Counties †	1920			
	Presidential Primary		State Primary	
	Cost	Total Vote	Cost	Total Vote
San Francisco	\$ 51,884	100,117	\$ 62,261	79,035
Los Angeles	115,137	158,177	118,941	110,062
Sacramento	25,928	20,936	23,240	13,021
Santa Clara	17,271	20,967	19,613	19,233
Alameda	39,499	78,414	41,383	54,084

† The vote of the counties used was approximately twenty per cent of the total vote in 1916 and sixty per cent of the total vote in 1920.

¹ The figures for California were obtained from the Registrars of San Francisco and Los Angeles Counties and from the County Clerks

cost and that expense should not be the deciding factor in evaluating it. Moreover, it does not follow that the elimination of the presidential primary would eliminate all of the expense involved. If there is substituted for the presidential primary the selection of delegates to the national convention by a state convention, some method of electing the delegates to the state convention must be provided and this involves expense to the state. On the other hand, if other things are equal, the expense involved may become the deciding factor in weighing the case for or against the presidential primary. It is probably true that in many cases the presidential primary has been made *unnecessarily* expensive. For example in 1916 Iowa spent \$129,400 on a presidential primary in which there was no contest in either party for the presidential preference, in which the Republicans had contests for delegates in only two districts, and in which there was only a rather feeble "anti-organization" contest for delegates in the Democratic party. If the plan were adopted of eliminating the independent voting for delegates and of voting simply for a presidential aspirant, the names of whose proposers were printed on the ballot, it would be possible to eliminate unnecessary expense by providing that no primary should be held if there were no contest.¹ In certain states much of the expense of the presidential primary might be eliminated by holding it in conjunction with the state primary. The advisability of such a course of action has been considered in Chapter III.

The financial burden of the pre-primary campaign falls upon both the candidates for delegate to the national conventions and candidates for the presidential preference. A of Sacramento, Santa Clara and Alameda Counties. The Iowa figures are from the *Official Register of 1917-18*, p. 760. The figures for New York City are from the *Annual Report of the Board of Elections for 1916*, p. 31. The figures for Chicago were furnished by the Board of Election Commissioners of that city.

¹ See Chapters XI and XII following.

number of the presidential primary states require candidates for delegate, or for delegate and presidential preference to file statements of the amount of expense incurred, and from these we can get some idea of the expensiveness of these campaigns.

A detailed examination of the expense accounts in Oregon, Montana, and Wisconsin shows quite conclusively that candidates for *delegate* have shown no tendency toward lavish use of money in the campaigns. In Oregon, in 1912, the expense accounts of the Republican candidates for nomination for delegate ranged from nothing at all to \$95.80, and the Democratic from \$3 to \$99.17. The amounts expended by the successful candidates were as follows: ¹

Republican		Democratic	
Smith	\$17.00	Godfrey	\$ 6.00
Ackerson	22.85	Moses	28.25
McCusker	25.00	Bennett	59.00
Carey	44.50	Maloney	67.00
Hail	53.85	Burke	78.05
Swift	60.29	Holman	82.83
Bynon	79.10	Holmes	92.00
Coe	85.40	Wise	93.45
Campbell	90.15	King	94.65
Boyd	95.80	Sheahan	99.17

In 1916 the statements of the Republicans ranged from \$15 to \$407.75 and those of the Democrats from \$15 to \$167.10, the successful delegates at large making the following declarations: ²

Republican		Democratic	
Cameron	\$ 63.25	Bennett	\$15.00
Boyd	66.48	Armitage	18.70
Fulton	159.40	Morgan	26.00
Carey	377.23	Crawford	73.00

¹ Compiled from figures published by the Secretary of State, *Bien-nial Report*, 1911-12, pp. 61 and 67.

² Compiled from the figures published by the Secretary of State, *Bien-nial Report*, 1915-16, pp. 107-108.

The statements of the delegates at large in Oregon in 1920 ranged from nothing at all to \$158.25 for the Republicans, and from nothing to \$159.90 for the Democrats. In the third district, however, \$729.62 was spent on behalf of one of the successful candidates for delegate to the Republican convention.¹ This seems to be the only case in this state where anything approaching an attempt to "buy" the office has been attempted, and the expenditure of this amount, while unusual, could hardly be characterized as lavish.

In Montana the expense accounts of the delegates show them to have been even more parsimonious. In 1916 only eight of the thirty-six candidates filed statements, but their accounts ranged from nothing to \$89.50. In 1920 all candidates filed and the accounts ranged from nothing to \$633.92, but they exceeded \$100 in only three cases and half of the candidates reported that they made no expenditure.²

In Wisconsin the highest expenditure made by any candidate was of \$930.60 by a Republican delegate.² This, however, was exceptional, no other Republican candidate spending more than \$100 and the declarations of the Democrats ranging from \$6.38 to \$275 in 1912. In 1916 one Republican spent \$311.81, but he was the only candidate who exceeded \$100, and the Democrats spent only nominal sums ranging from \$1.59 to \$11.00. In 1920 the range of the declarations of the Republicans was somewhat higher, fourteen out of thirty-four spending over \$100 and one can-

¹ See, Secretary of State, *Biennial Report*, 1919-20, pp. 82-83.

² Montana, Secretary of State, *Biennial Report*, 1914-16, p. 13; and 1919-20, p. 13.

³ The Wisconsin Legislative Reference Library says: "This instance caused considerable comment in the newspapers at the time and brought forth an opinion from the Attorney General that the Wisconsin law does not limit the expenditures of candidates for delegates to the national conventions." Letter to writer, dated March 10, 1924.

didate spending as much as \$449. No Democrat spent more than \$27.¹

It is clear that in these states the charge of extravagance cannot be raised against the delegates. This conclusion is borne out by scattered reports from other states. In Nebraska in 1912 three of the La Follette-Roosevelt delegates reported expenditures ranging from \$155.71 to \$267.46;² in 1916 the Republican delegates in New Hampshire spent about \$10 apiece;³ and in North Dakota the Secretary of State reports that "no great outlay is made by any of the candidates."⁴ In New Jersey in 1912 the anti-Wilson delegates and alternates in the ninth and tenth districts spent \$2,108.99 on behalf of their candidacies and the Wilson delegates \$769, while in 1920 in the same districts the four Wood delegates and alternates entered a declaration of \$2,445.61.⁵

Even allowing for discrepancies between the declarations and the actual amounts spent there is no indication that running as a delegate at large or as a district delegate is an expensive proposition.

We come now to a consideration of the amounts spent on behalf of candidates for the presidential nominations. In a few states⁶ presidential candidates, as well as delegates, are required to file financial statements under corrupt practices acts, and these throw some light upon their expenditures, but a more fruitful source of information is supplied by the investigations of pre-primary expenditures of presidential candidates by the Kenyon Committee in 1920,⁷ fol-

¹ Information furnished by the Wisconsin Legislative Reference Library in a letter dated March 10, 1924.

² *Omaha Bee*, April 24, 1912, p. 1.

³ *Concord Patriot*, March 22, 1916, p. 1.

⁴ Letter to the writer dated Feb. 5, 1924.

⁵ *Newark News*, June 4, 1912, p. 2 and April 27, 1920, p. 1.

⁶ Oregon, Montana, Vermont, North Carolina, Ohio and Indiana.

⁷ The Committee was a Subcommittee of the Committee on Privileges and Elections, appointed in accordance with S. Res. 357, 66th

lowing charges by the New York *World*¹ of excessive expenditure. The case now pending against Sprague, treasurer of the Wood Committee in 1920, will probably yield some interesting material. Attention should also be called to the report of the Clapp Committee in 1912.

After taking testimony from April 24 to July 10, 1920, and questioning some hundred witnesses the Committee reported that the following expenditures had been made by the more important candidates:²

<i>Republican</i>				<i>Democratic</i>			
Candidates	Total	No. of States Entered	Ave. per State	Candidates	Total	No. of States Entered	Ave. per State
Wood	\$1,773,303	47	\$25,000	Palmer	\$59,610	3	\$19,800
Lowden	414,984	12	35,000	Cox	22,000	2	11,000
Johnson	194,393	16	12,100	McAdoo	none		
Hoover	173,542						
Harding	113,109	11	13,109				

From this it is clear that much more money was spent by some candidates than by others, whether we consider the totals or the average per state. It is interesting to notice that Lowden, who spent the highest average per state of any candidate, entered in only six of the primary states, while

Cong., 2d sess., authorizing it to investigate campaign expenditures of the various presidential candidates in both parties. The Subcommittee, composed of Senators Kenyon (Iowa), Spencer and Reed (Missouri), Pomerene (Ohio), and Edge (New Jersey), began operations May 10, 1920, and continued to investigate the expenditures of candidates for the presidential nomination until July 10. In June the Senate enlarged the powers of the Subcommittee to include the general election (S. Res. 383, 66th Cong., 2d sess.) and from July 10 until its adjournment in October the Subcommittee confined its attention to election expenditures. See Subcommittee of the Committee on Privileges and Elections, *Hearings on Presidential Campaign Expenses*, 66th Cong., 2d sess., 2 volumes; and *Senate Report No. 823*, 66th Cong., 3d sess.

¹ See article by Louis Seibold, March 22, 1920.

² See *Senate Report No. 823*, 66th Cong., 3d sess.

Johnson, who spent the least per state of the Republican candidates, entered in twelve primary states. Unquestionably more money was spent on behalf of many of these candidates than is indicated by these totals. Most of the money collected and spent by national and regional headquarters is probably accounted for, and some of the money spent by state committees is included, but in many instances the bulk of the campaigning was financed by local organizations or informal groups and the Committee found it impossible to get any information regarding their financial transactions.¹

¹ For example the Wood headquarters at Chicago sent \$9,650 into Michigan; \$54,047.34 was collected by the State Campaign Committee; and Mr. Alger, State Chairman, used \$23,000 of his own funds, making a total of \$86,697.34. This did not, however, cover all of the money expended, for Mr. Weissert testified that in three counties the campaign was financed entirely locally. Kenyon Committee, *Hearings*, I, pp. 519, 231, 232, and 621. In New Jersey the bulk of the financing was handled locally and the Committee never obtained even an estimate of the sums spent, as is indicated by the following exchange of words between Thomas W. Miller, one of the eastern managers for Wood, and Senator Reed:

"Mr. Miller. The New Jersey fight, Senator Reed, was handled by Gould and myself.

Senator Reed. By Gould and yourself.

Mr. Miller. Yes, sir.

Senator Reed. How much money did you spend in that fight?

Mr. Miller. Approximately—specifically I know of \$10,255.

Senator Reed. You don't mean to say that that fight was carried on in New Jersey for \$10,000, do you?

Mr. Miller. One moment—Mr. Hitchcock testified here the other day, \$15,000.

Senator Reed. Yes. How much money was raised—how was that fight carried on? Did you undertake to carry it on from New York or were there local organizations?

Mr. Miller. We undertook to carry it on from the city of New York. We were right there; we knew the leaders of the State, and they were very accessible and there were hardly two or three days went by but what Gould or myself were down there consulting with them.

.

Senator Reed. And did you send any literature in there?

Mr. Miller. Yes, sir.

Senator Reed. Where did you get that?

Mr. Miller. That, as I explained earlier, Senator, the Leonard Wood headquarters in New York would get mailing lists and we would send out in response to those mailing lists literature.

More significant than the total expenditures of these candidates or their average expenditure per state is a state by state comparison of the expenditures of the two leading Republican candidates in some of the 1920 presidential primary campaigns, presented in Table J.

Senator Reed. Very well. Who furnished the literature?

Mr. Miller. That was bought through our regular organization there in New York, but it was not allocated by States.

Senator Reed. Did you send any speakers into New Jersey?

Mr. Miller. Why yes; there were speakers all over New Jersey.

Senator Reed. Who paid the expenses of the local meetings?

Mr. Miller. Well, now, the only meetings that General Wood had—that the organization really had; meetings that you would call meetings, with bands and theatres, and all that—was a proposed meeting in Newark at the time General Wood was to speak there and did not speak.

Senator Reed. Oh, Mr. Miller, you said you sent speakers all over the state.

Mr. Miller. Yes. Certainly, Senator; but every time a man goes to speak we don't have to pay him nor—

Senator Reed. Well, coming back to the meetings, we found that Mr. Lewis had a meeting. Now where else were some meetings held?

Mr. Miller. Senator, if I had known you wanted a list of the speaking dates held in New Jersey for Wood I would have brought them with me, if it were possible to get them.

Senator Reed. Well, whatever expense there was for meetings was borne either by the local people or by some other headquarters than your own, so far as you know?

Mr. Miller. The only literature that officially went in there, Senator, was what we sent out from our New York headquarters.

Senator Reed. Well, you paid that, and it didn't come out of this \$15,000. Was there some newspaper advertising done in that State?

Mr. Miller. If there was, Senator Reed, it was done through the central publicity organization in Chicago, and whenever country newspapers would be mailed in to us with any of Wood's advertisements in them, it was the first knowledge we had of it.

Senator Reed. Exactly. So that whatever there was in the way of advertising did not come out of this \$15,000, did it?

Mr. Miller. No. . . ."

(Kenyon Committee, *Hearings*, I, pp. 495-499.)

TABLE J

COMPARISON OF THE COST PER STATE AND THE COST PER VOTE OF THE
WOOD AND JOHNSON CAMPAIGNS IN THE PRESIDENTIAL PRIMARY
STATES, 1920¹

States	Wood			Johnson		
	Expenses	Wood Vote	Cost per Vote	Expenses ^b	Johnson Vote	Cost per Vote
Cal.	not entered		...	98,000	369,853	\$.26
Ill.	\$142,800 ^a	156,719	\$.91	not entered	64,201	..
Ind.	57,261 ^a	85,708	.67	10,730	79,840	.13
Md.	19,500 ^d	15,900	.49	4,100	8,059	.50
Mass.	10,000 ^e	unpledged	...		unpledged	..
Mich.	86,697 ^f	112,568	.77	13,451	156,939	.08
Mont.	22,800 ^g	6,804	3.35	6,300	21,034	.29
Neb.	46,200 ^g	42,385	1.09	2,001	63,161	.03
N. H.	3,000	8,591	.34		2,000	..
N. J.	15,000 ^h	52,909	.28	13,207	51,685	.25
N. Y.	20,800 ⁱ	unpledged	...	13,685	unpledged	..
N. C.	8,000 ^j	5,603	1.42	2,800	15,375	.18
N. D.	8,900 ^g	987 ^m	...	2,000	30,573	.06
Ohio	128,300 ^k	108,565	1.18		16,783	..
Oregon	39,030 ^g	43,770	.89	5,500	46,163	.11
Pa.	37,400 ^g	3,878 ^m	...		10,896	..
S. D.	69,650 ^g	31,265	2.22	3,500	26,301	.12
Vt.	4,200 ^l	3,451	1.21	not entered	402	..
W. Va.	26,000 ^g	27,255	.95	not entered		..
Wis.	7,300 ^g	4,505	1.62	not entered	2,413	..
ALL STATES	\$742,838	710,863	\$1.04	\$175,274	965,651	\$.18

^a \$120,800 from headquarters, the rest raised locally.

^b See testimony of Angus McSween, eastern manager for Johnson, pp. 33-45; Alexander McCabe, Johnson manager in California, pp. 409-448; and Louis C. Cramton, Johnson manager in Michigan, pp. 202, 213.

^c As given by F. A. Joss, Indiana manager for Wood, p. 575.

^d \$1,000 from Southern headquarters (p. 458); \$13,500 from Eastern headquarters (p. 5); \$4,000 from Chicago headquarters (p. 519); and a separate contribution of \$2,000 (p. 500).

^e As given in the testimony of Senator Moses, p. 456.

^f \$54,047 raised in Michigan; \$9,650 from headquarters, and \$23,000 spent by Mr. Alger personally.

^g As given in report of A. A. Sprague, national treasurer of the Wood campaign, p. 519.

^h This covers only a small part of the actual expenditure. See note, pp. 154-55.

ⁱ \$7,800 from eastern headquarters and \$1,300 raised in New York City.

^j \$5,000 of this amount went to "organize" the state convention, which chooses the delegates.

^k And yet the Wood manager for Ohio testified that he received only \$25,000 from Chicago and that he filed with the Secretary of State an expense account of \$25,000.

^l As filed under the provisions of the Vermont law. According to the testimony before the Kenyon Committee the amount spent was \$4,000.

^m "Written in" vote; name not entered in the preferential primary.

¹ Compiled from testimony given before the Kenyon Committee, I,

If we eliminate New Jersey ¹ the Wood organization spent from \$.34 in New Hampshire to \$4.35 per vote in Montana, while the cost of Johnson's campaigns varied from \$.03 a vote in Nebraska to \$.50 a vote in Maryland. Taking all the states, Wood spent over \$1.00 for every vote he polled; Johnson less than \$.20; or to put it in another way, with a total expenditure one-fifth of Wood's, Johnson polled one and one-third times as many votes. The significance of this is not in the fact that Wood spent more money than Johnson, but that it was an unprofitable investment. That a certain amount of expenditure for publicity and advertising is essential to a successful campaign in the primaries is doubtless true; it is probably true also that Johnson could have carried more states if he had not been handicapped by lack of funds; ² but there is a point where a law of diminishing returns begins to operate and that point was reached in the Wood campaign. The danger in the use of large sums of money in connection with primary elections is not in the use of the money in itself, but in the possibility of the use of that money controlling the result of the primary election. If the use of large sums of money does not change votes it is a foolish expenditure, but not dangerous. An analysis of the cost to the candidates in the 1920 primaries gives slight ground for anxiety over the possibility of a candidate being able to "buy" the nomination so far as the primary states are concerned.

The point of view of the candidate who depends upon the expensive appeal is admirably illustrated by a statement made during the course of the campaign by one of the Wood managers:

pp. 519 ff., pp. 4 ff., pp. 456 ff. The figures given here do not include the cost of maintaining the headquarters offices, some of the publicity which went out from those offices and was never allocated by states, and the money raised and spent locally.

¹ The cost as given for New Jersey represents only a small portion of the actual cost. See note, pp. 154-55.

² Especially true in New Jersey where a little more publicity might have changed the result.

"The object of the primary law is to allow the individual voter to take a direct part in the nomination of candidates. The individual voter cannot intelligently take this part if he is not informed. He cannot be informed unless he is fully presented with the character, record and accomplishments of the various candidates. . . . The Leonard Wood campaign committee takes pride in the fact that by spending money in this way it has carried out the spirit of the primary laws in fully informing the public about its candidate."¹

It may be questioned, however, whether the assumption that a little-known candidate can, or should, be able to put himself upon an equal footing with a very popular candidate by the use of large sums of money is tenable. An office as conspicuous as that of president of the United States calls for a candidate who has been brought before the public eye before his nomination and who is sufficiently appealing to make it unnecessary to cram his good qualities down the throats of the people! The results of the 1920 primaries seem to indicate that expensive advertising will not in itself "sell" a candidate.

Perhaps the most significant point brought out in the testimony before the Kenyon Committee is that although large sums of money were spent in the presidential primaries this money was spent in perfectly legitimate ways and that the only charges of corruption were raised in connection with expenditures in the convention states.² To turn from the testimony regarding the campaigns in Michigan and New Jersey to that regarding the pre-convention activities of certain candidates in Missouri and Georgia is to turn from openness and directness to the dark ages of subterranean political methods. In Missouri the Lowden forces freely

¹ Quoted in the *Chicago Tribune*, May 28, 1920, p. 7.

² There is one possible exception. In North Carolina the Wood organization spent \$5,000 in "organizing" the state convention, which chooses the delegates. Such expenditures, however, are possible only where the delegates are not popularly chosen.

passed around checks before the caucuses with no questions asked, and in Georgia representatives of both Wood and Lowden were accused of influencing various negro factions by paying their expenses to the conventions or by suggesting that postmasterships might be forthcoming.¹ Such subtle forms of bribery are the more dangerous because they work from beneath and the public never knows how much money is spent or who gets it. No one can even estimate the financial outlay of a candidate for the presidential nomination where the delegates are chosen in state conventions. Promises of patronage may perhaps be made to state leaders under the direct primary system but no evidence of this was brought to light in the course of the Kenyon Committee hearings. The presidential primary may cost the candidate more or it may cost him less, but most of what is spent is spent openly and the voter may act accordingly.

The evidence presented before the Kenyon Committee brought into sharp relief some of the difficulties inherent in state regulation of expenditures in presidential primaries. The collection and disbursement of funds in such campaigns is done on a national and not a state-wide scale: contributions made in New York may be expended in Montana and headquarters offices may supply most of the "sinews of war" by preparing, printing, and mailing directly to the voters all sorts of advertising material that would never be accounted for in the statement of expenditures under any state law. Interstate passage of funds is open to the objection that it makes possible flooding small, strategic states with literature and advertising which is not paid for by contributions from that state.² On this point the testimony of Wilbur W. Marsh, treasurer of the Democratic National Committee, is suggestive:

¹ See Kenyon Committee, *Hearings*, I, pp. 610 ff.; 945 ff.

² South Dakota is a case in point.

"Mr. Marsh. Pardon me, Senator. Let me give you a secondary thought, or a part of this other thought. To limit the contribution to \$1,000 and not to prohibit interstate contributions, would be simply to emasculate the national organization. In addition to limiting contributions to \$1,000, I would prohibit by law one state from sending funds into another state. The one without the other would be useless.

"May I comment on this afternoon. Take it in poor little South Dakota. What chance has South Dakota to say who is her choice for nominee for President, if they put \$50,000 or \$60,000 in that State to help force it against a man who has not any money?"¹

Flat limitation of expenditures in presidential primaries by state law would seem to be impracticable because of the difficulty of preventing the use of money or literature from other states. Existing laws requiring the filing of expense accounts have proved an ineffective check because so little publicity has been given to them.² If limitation of expenditure is deemed necessary, that limitation should be national, rather than state-wide in scope.

This whole problem may be attacked from another angle: by regulating *contributions* rather than expenditures. Lavish expenditure may not change votes, but there seems little doubt that large contributors often expect to influence the policy of the administration if their candidate is successful. Colonel Procter probably had no promise of political preferment when he "underwrote" the Wood campaign for \$500,000 but if "General" Wood had become "President" Wood and Colonel Procter had asked for favors it is difficult to see how they could have been refused.³ Here again, really ef-

¹ Kenyon Committee, *Hearings*, I, p. 538.

² In a few cases they are published in the reports of the secretaries of state; in the other states they are given only casual mention by the press.

³ Colonel Procter advanced \$500,000 for the Wood campaign and this was never returned, according to his own testimony. See Kenyon Committee, *Hearings*, I, pp. 188 and 198.

fective control must be national rather than state-wide in scope, whether that control be merely a requirement of publicity or an absolute limitation upon the amounts contributed. The same individual might be a heavy contributor in every state and yet the fact that one person was largely financing a particular campaign would appear only if the statements filed in all states were pieced together. The purpose of the publicity laws in a limited number of states is probably defeated so long as other states do not require publicity. Absolute limitation of the amount of contributions would not be effective if one individual contributed the maximum in every state. National limitation of campaign contributions might be more effective than state regulations but there are difficulties which even a national law could not eliminate. False and incomplete statements would be made, free newspaper support would not be included, and the indirect support of other political organizations could not be traced. So many "leaks" are possible that the utility of a national law is questionable.

CONCLUSIONS

The main points brought out in this study of the cost of the presidential primaries may be summarized as follows. So far as the cost to the state goes it is evident:

1. That the absolute cost of the presidential primary is less than the cost of the state primary but that the cost per vote tends to be more.
2. That the presidential primary costs the state somewhere between \$.75 and \$1.00 a vote where it is held independently of the state primary.
3. That in some cases this cost could be lessened by holding the presidential primary in conjunction with the state primary and by providing that no election be held if there is no contest.

So far as the cost to the candidate is concerned:

1. The cost to the candidates for delegates is not great.
2. The expenditures of candidates for the presidential nominations vary greatly, but there is no indication that lavish expenditure controls the verdict of the primaries.
3. There are no charges of *corrupt* expenditures in the primary states as there are where delegates are chosen at state conventions.
4. The problem of the use of money in presidential primary campaigns can best be approached through the regulation of *contributions* rather than *expenditures*.
5. National limitation of contributions might be more effective than state regulations but there are difficulties which cannot be eliminated even by a national law.

CHAPTER XI

THE CONVENTION: THE STATE DELEGATIONS AND THE GENERAL POLITICAL SITUATION

In this chapter it is proposed to consider the effect of the presidential primaries upon the action of the convention, upon the state delegations and upon the political situation generally.

It is clear from a study of Table I of Appendix C that the presidential primary votes have not controlled the action of the conventions. In fact the choice of the primaries and the choice of the convention has been the same in only three out of eight cases. In 1916 Wilson's control of his party was so secure that he would have received the renomination under any conceivable system; while in 1924 the verdict of the primaries was decidedly in favor of Coolidge and against Johnson and the former was nominated on the first ballot. In 1912 Wilson received more primary votes than any of his opponents but his vote was exceeded by the combined vote of Clark and Harmon, and more Clark than Wilson delegates had been elected. It is not altogether clear, then, that the convention was carrying out the popular will when it finally nominated Wilson in the Democratic convention.

With the exception of these three cases the verdict of the primaries and of the convention has not coincided. In 1912 Roosevelt received approximately a million votes and Taft 648,000, but Taft was the choice of the convention. In 1916 Hughes probably would have controlled a majority of the delegates elected from the primary states if he had permitted his name to be used, but he did not, and the bulk

of the delegates were either unpledged or pledged to favorite sons. In 1920 the Republican convention ignored the leading candidates and chose as the nominee of the party a man who had entered his name in only two primary states and who barely carried his own state. In the same year the Democratic party vote was so scattered that it was impossible to ascertain the popular verdict. In nominating Cox the convention chose the man who had received the highest number of votes, although he was entered in only one state.¹ In 1924 the verdict of the primaries was for McAdoo, but the convention chose Davis. It is evident, then, that the primary choice and the convention choice have coincided in three cases, that in three cases the choice of the convention has been directly contrary to the verdict of the primary, and in two cases the results of the primary were so inconclusive as to give very little indication of the popular choice.

In considering the control which the primaries exercise over the choice of the convention, however, we must not forget that in 1912 a majority of the delegates were not elected in primaries and that in the other years the majority of the primary-elected delegates was so slight that in order to secure control of the convention through the primaries it would have been necessary for one candidate to have carried practically all of them. This fact is brought out clearly by the summary given in Table K.

In 1912, if Roosevelt had carried every primary and every delegate therein elected had been pledged to him, he would still have been eighty-one short of a majority, while the Democrats chosen in primaries that year made up less than one-third of the total.² In other years the majority of

¹ Ohio.

² The disparity in the number of delegates controlled by presidential primaries of the two parties is caused by the fact that the New York law in effect that year was permissive only and that the Republicans took advantage of its provisions while the Democrats chose their delegates in the state convention.

TABLE K

SUMMARY OF VOTE CAST FOR VARIOUS CANDIDATES AND THE NUMBER OF DELEGATES TO WHICH THIS VOTE ENTITLED THEM IN THE CONVENTION, 1912-1924

1912

<i>Republican</i>			<i>Democratic</i>		
Candidates	Vote Received	Delegates Elected	Candidates	Vote Received	Delegates Elected
Roosevelt	998,956	282	Wilson	435,169	146
Taft	647,964	132	Clark	402,815	156
La Follette	311,787	36	Harmon	116,294	48
Scattering	2,792	none	Others	20,497	10
Total	1,961,499	450	Total	974,775	360
Total Delegates in Convention 1,078			Total Delegates in Convention 1,088		

1916

Cummins	191,950	84	Wilson	1,173,220	624
Hughes	80,737	18	Scattering	14,471	none
Favorite Sons	889,572	236	Total	1,187,691	624
Scattering	761,115	280			
Total	1,923,374	618			
Total Delegates in Convention 987			Total Delegates in Convention 1,092		

1920

Wood	710,863	108	Cox	86,194	48
Johnson	965,651	141	McAdoo	74,987	10
Lowden	389,127	41	Scattering	410,490	516
Hoover	303,212	none	Total	571,671	574
Harding	144,762	39			
Scattering	672,633	240	Total Delegates in Convention 1,094		
Total	3,186,248	569			
Total Delegates in Convention 984					

1924

Coolidge	2,410,363	572	McAdoo	456,733	194
Johnson	1,007,833	10	Others	307,125	372
La Follette	82,492	34	Total	763,858	566
Scattering	24,497	none			
Total	3,525,185	616	Total Delegates in Convention 1,098		
Total Delegates in Convention 1,109					

the elected delegates was so small that control of the convention was practically impossible. It is thus evident that the ineffectiveness of the presidential primary in this respect is due largely to the fact that its adoption is not more widely extended, rather than to any weakness inherent in the system.

It seems to the writer that taking these things into consideration, the effectiveness of the presidential primaries must be judged more in the light of their effect in the individual states than their control over the situation as a whole. The well-drawn presidential primary serves the useful purpose of eliminating the disgraceful contests which prevail under the convention system. For example, some eleven contests came before the Republican convention in 1912 and only one of them—that of California—concerned a primary state. The occasion for that contest was a conflict between the state law and the convention call for delegates. Although in that case the convention upheld its own regulations, in the call for the 1916 convention it specifically recognized the right of the state to control the method of choosing delegates.¹ The only other contest which has arisen from a state where provision has been made for the election of delegates is the South Dakota Democratic contest of 1912, when two sets of delegates claiming to be for Clark tried to oust the Wilson delegates on the ground that the combined vote of the Clark lists was greater than that for the Wilson list.² That contest was made possible by a poorly drawn statute which provided for the designation of lists by slogans rather than by the names of the candidates favored. Where the selection of delegates is left with the state conventions, contests may of

¹ See Chapter II for a fuller account.

² See Chapter VI. The Wilson delegates were seated.

course occur in spite of any presidential preference vote,¹ but such laws are but half-way measures at best and fall down at every crucial point. If the law is effective it will control through the election of the delegates rather than through a preference vote and in that case contesting delegations are absolutely eliminated.

The presidential primaries have also served the purpose of giving the states which have them an amicable and certain way of deciding between various party factions. One may cite the experience of the Republicans in California, Wisconsin, Pennsylvania, and North Dakota and of the Democrats in Nebraska, New Jersey, and Illinois in support of this statement. These states have had the satisfaction of sending representative delegations to the national conventions and the delegations have had the satisfaction of knowing that they had the support of the rank and file of the members of the party when they fought for certain things in the convention. The assurance of popular support "back home" has had its effect upon the action of the delegates. It was this assurance which gave the Roosevelt delegates sufficient confidence to put up the fight which they made in the 1912 Republican convention and it is this assurance which has made it possible for the La Follette delegates from Wisconsin to stand out for their minority platform proposals year after year. The Republican contests in California have been Johnson versus anti-Johnson in every primary; in Wisconsin they have been La Follette versus Phillip; in Pennsylvania Penrose versus Vare, upon occasion; and in North Dakota radical versus conservative. In most of the presidential primaries in Nebraska the Democrats have fought out the Bryan versus Hitchcock controversy; in

¹ See the case of the Illinois Democrats in 1912 and the North Carolina Republicans in 1920, cited in Chapter VI.

Illinois it has been Harrison versus Sullivan, and in New Jersey at one time it was Wilson versus anti-Wilson. In these cases the presidential primary has made possible a peaceful settlement of the important question of state party leadership. For it is not defeat itself, but the feeling that one has been *unfairly* beaten which develops bitterness between party factions. Providing for a fair test of the primary strength makes it impossible for the vanquished to gain sympathy for his cause, or to foster discontent within the party ranks, because of the charge of corrupt steam-roller methods. In considering the effectiveness of the presidential primary the important part which it has played in state politics is too often overlooked.

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It cannot be doubted that although the presidential primaries have failed to control the action of the conventions they have materially affected that action, as well as the general course of political events. The presidential primary may, in part, be held responsible for the Progressive "bolt" in 1912. The steam-roller tactics of the "old guard" in the Republican convention gave the Roosevelt delegates a grievance, but it was the tremendous support accorded Roosevelt in the primaries that gave them the courage to risk the venture of a third party. The 1912 Republican primaries had an important effect upon political events in 1916, the disastrous results of ignoring the primary in 1912 leading the party leaders to look with favor upon a progressive candidate. In 1916 the primaries did not choose the Republican nominee but they made it clear that the convention would be unwise in choosing anyone with militaristic tendencies. It was no mere accident that Henry Ford received 131,889 votes in the presidential primaries, carrying Michigan against an old-line politician and almost carrying Nebraska,¹ without lifting a hand in his own be-

¹ See Table I, Appendix C.

half.¹ The lack of enthusiasm displayed in support of Roosevelt in the Massachusetts Republican primaries of the same year was probably responsible for his refusal to serve as the nominee of the Progressive party in that year.² The tremendous popularity of Johnson in the 1920 primaries may have had its effect upon the League of Nations plank in the platform of the Republican party of that year.

It is not without importance that the delegates elected in the presidential primaries feel a sense of responsibility to the people who have elected them and to the candidate whom they represent which keeps them from jumping on the band wagon at the first opportunity. For example, in 1912 in the Democratic convention the Wilson delegates from New Jersey, Pennsylvania and Wisconsin cast their ballots for him from the first to the last, while only two of the Oregon delegates swung to Clark even temporarily when he had a majority. In 1920 in the Republican convention the swing to Harding came primarily from the non-primary states. Of the 692½ votes which he received on the final ballot, 348 came from non-primary states and 344½ from primary states. If we analyze these votes still further we discover that the largest part of the vote which Harding received from primary states was from states where the laws are so ineffectively drawn that the preferences of the delegates did not coincide with the popular preference, or from states

¹ The *Omaha Bee* said of Ford: "That the automobile peace advocate should run so high in the mentioned-for-president class on the Republican side is wholly unexpected, even by those who figured on his polling a substantial vote. While the vote for Ford registers the latent opposition to preparedness, it is unquestionably supplemented by certain elements of discontent with the administration's foreign policy and also by a labor sentiment attracted to the Ford generosity to his employees." April 20, 1916, p. 8.

² The *New York Nation*, May 18, 1916, p. 534, said: "A month ago there were qualified observers who professed to regard Colonel Roosevelt's nomination as inevitable. Then came Massachusetts and these same observers now regard the Colonel's nomination as impossible. Either view may be overdrawn, but the difference in the public temper measures the effect of the Massachusetts primary."

which had sent their delegations unpledged, or pledged to favorite sons. Harding's vote was as follows:

From non-primary states	348
From primary states	344½
a. From Ohio (which primary he carried) . . .	39
b. From states where the law is effective in that it assures delegates' preferences and the popular preferences coinciding (Wis. 1; Neb. 4; N. J. 5; S. D. 4; Ill. 38%; Ohio 9)	61½
c. From states where laws are defective (Ind. 21; Md. 5; Mich. 25; N. C. 20; N. D. 10; N. Y. 68; Ore. 2)	151
d. From states whose delegates were unpledged or pledged to favorite sons (W. Va. 16; Mass. 17; Pa. 60)	93
Total	692½

It is thus apparent that of the 344½ delegates from primary states who swung to Harding, 93 came from states which had sent their delegates unpledged or pledged to favorite sons; 151 from states where the laws were so ineffective that the delegates could not be instructed or there was disagreement between the personal preferences of the delegates and their instructions; and only 61½ delegates pledged to other candidates came from states where effective laws were in operation. Two hundred and twenty-six delegates from presidential primary states never voted for Harding.

It should be noticed that the primary has served the useful purpose of forcing candidates to use more open methods and of abandoning subterranean methods in the primary states.¹

In conclusion we may say that although the presidential primary has seldom controlled the decision of the convention it has often affected the course of national politics; it has eliminated the contesting delegation; it has provided an or-

¹ See Chapter X.

derly way of settling contests over party leadership within the states; it has forced candidates to use more open methods in the primary states; and the delegates so chosen show less inclination to climb on the band wagon than delegates chosen by conventions. The effectiveness of the presidential primary as an instrument of control over the convention is limited by the fact that it is not in operation in all of the states, or a considerable majority of them.¹

¹ If the primary had been in more general use in 1912, Roosevelt would probably have been the nominee of the Republican party and the schism of 1912 would have been averted.

PART IV

THE POSSIBLE DEVELOPMENT OF
THE PRESIDENTIAL PRIMARY

CHAPTER XII

IS FURTHER CONTROL THROUGH STATE ACTION POSSIBLE?

After the Republican convention of 1912 it was freely predicted that the presidential primary would spread to all or to most of the states before 1916. From Massachusetts and Maryland, to Oregon and California, the leading newspapers of progressive tendencies foretold the coming of a new method of making presidential nominations.¹

That these prophecies have not been realized is partly a result of the fact that there was no real contest in either party in 1916 and consequently no objection to the convention method, and partly a result of the apathy toward all progressive reforms which followed the World War. It must be admitted, however, that there has been some genuine dissatisfaction with the operation of the existing laws

¹ "There can be little doubt that by 1916 practically every state will have a well-worked-out presidential primary act," *Boston Globe*, March 9, 1912, p. 10. "Senator Bourne's prediction that the political exhibition, which has been on view in Chicago for some days past, will so strengthen the presidential primary idea that the conventions of 1912 will be the last we shall ever hold to nominate presidential candidates may not be fulfilled to the letter, but it is likely to be realized in substance," *Baltimore Sun*, June 14, 1912, p. 6. "Before another presidential year comes, practically every delegate to the national conventions will be definitely instructed by primary," *Cleveland Plain Dealer*, June 15, 1912, p. 6. "It is generally admitted that the national conventions of this year will be the last under the old caucus and convention system of choosing delegates. By 1916, it is believed, every state in the Union will have a direct primary law," *Christian Science Monitor*, May 24, 1912, p. 1. Similar expressions of opinion are to be found in the *Chicago Tribune*, January 8, 1912, p. 1; the *Fresno Republican*, March 7, 1912; and in an article by Willis J. Abbot in the *Sacramento Union*, November 15, 1911.

and that this has been used as an argument against the extension of the presidential primary idea.

In the present chapter it is proposed to analyze the arguments which have been raised against existing presidential primary laws, to summarize the case in their favor, and to suggest how far and in what way control through state action may become more effective.

The arguments against the presidential primary may be stated very briefly as follows:

1. In many cases the voters of one party participate in the primaries of the other.
2. Lack of popular interest.
3. It is expensive to the state.
4. The primary contests stimulate bitterness between candidates to such an extent that it is impossible for the party to present a united front in the election.
5. The laws are intricate and ambiguous.
6. It is difficult to control the action of the delegates in the convention.
7. The presidential primary appeals to the notoriety seeker.
8. The real candidates refuse to submit themselves.
9. So large a number of delegates are unpledged or pledged to favorite sons that the system plays into the hands of the bosses.
10. The verdict of the primaries is obscure because it is a conglomerate of decisions on state questions rather than an expression of opinion upon national issues.
11. The verdict of the primaries has not controlled the action of the convention.
12. The variations in primary dates are an aid to objectionable campaign tactics.
13. Lack of uniformity in the laws makes it difficult for candidates to conform to the different requirements.
14. It necessitates excessive expenditures on the part of candidates.

15. The convention is beyond the reach of state law and may nullify the provisions of state laws.¹

Arguments 1, 2, 3, and 4 are arguments which are not peculiar to the presidential primary but are frequently raised in opposition to the direct primary generally. There is probably no greater amount of "colonization" in the presidential primary than in other primaries and voters may be restricted to their own parties by stringent party enrollment features if this seems desirable. As regards lack of interest, the vote in the presidential primaries is lower than that in the general elections, but compares favorably with that in the state primary. The presidential primary is more expensive than the state primary, but if democratic government is deemed desirable and the presidential primary is an effective instrument of popular control it cannot be condemned solely on these grounds. It is probable, however, that the presidential primary is *unnecessarily* expensive and that the cost to the state might be lessened by eliminating the primary where there is no contest and by combining the state and presidential primaries in some instances. There is little in the experience with the presidential primary to bear out the contention that the primary promotes bitterness. The bitterness in the Republican party in 1912 was not confined to the primary states,² and it was the feeling that they had received unjust treatment in the convention, rather than the primary contests, which was responsible for the "split" of that year. In 1920 each

¹ For comprehensive criticisms of the presidential primary see R. S. Boots, "The Presidential Primary," *National Municipal Review Supplement*, Sept., 1920; F. W. Dickey, "The Presidential Preference Primary," *American Political Science Review*, IX: 467 (1915); P. O. Ray, "Reform of Presidential Nominating Methods," *Annals*, CVI: 63 (March, 1923); Talcott Williams, "Presidents, Primaries and the People," *Independent*, CII: 358 (1920); letter to the *New York Times* from Harold Shapiro, published March 23, 1924.

² For example, in Michigan in 1912 the Republican convention split into two factions and nominated two sets of delegates.

candidate for the Republican nomination denounced his opponents in the primary campaigns, but all joined in support of Harding after the convention. The primary may, on the other hand, prevent bitterness by convincing a defeated candidate that he has been fairly beaten. For example, in 1924 the verdict of the Republican primaries was so decidedly against Johnson that it was impossible for him to assume a belligerent attitude in the convention.

Arguments 5, 6, 7, and 8 depend largely upon technical defects which may be removed by redrafting the laws. The laws are ambiguous and complex in many cases but these are faults which may be overcome by skillful redrafting. As was pointed out in Chapter II, many of these laws were emergency measures or parts of general primary laws pushed through without careful consideration. Perhaps the most forceful criticism of the operation of these laws has been directed against their failure to control the action of the delegates in the convention. This is an important defect but one which may be remedied by securing delegates whose personal preferences are in harmony with the popular preference rather than instructing them by means of a preference vote or by a combination of the two methods of control. By the adoption of one of the four plans outlined in Chapters VI and VII it is believed that effective control may be secured.

The argument that the presidential primary has been the delight of notoriety seekers and "cranks" is justified only in so far as the vice-presidential preference is concerned. Popular disgust with the calibre of the men who have sought preferment as vice-presidential candidates tends to throw the whole presidential primary into disrepute. As it serves no useful purpose the vice-presidential preference should be eliminated.

In the Republican party in 1916 the presidential primary

lost most of its effectiveness because neither of the real candidates would enter the primaries and the Democratic primaries of 1912 and 1924 suffered because of the unwillingness of the real contenders to submit their names. If the primary were more extensively used this difficulty might iron itself out automatically, but the situation may be remedied immediately by making it unnecessary for presidential candidates to file any personal declarations of candidacy.¹

Arguments 9, 10, and 11 raise some of the most vital objections to the operation of the presidential primary. They are closely related, in that all of them arise from the limited application of the presidential primary. As long as unpledged, convention-selected delegates control the national conventions, some of the states will prefer to send their delegates unpledged, or pledged to favorite sons so that their bargaining power may remain unrestricted. But if there were the possibility of some candidate presenting his case in every state of the union and securing real control of the delegations through the primaries, and through the primaries of the convention, it would be extremely difficult for any state party leader to urge the desirability of an unpledged delegation. The "bosses" would be forced to unite upon some candidate and come out in his support *in the primaries* in order to control the convention. In the same way, if the primary were in general use a state would be virtually throwing away its force in the convention by selecting "favorite son" delegates and the payment of these pretty compliments would become less frequent.

That the presidential primaries have not resulted in definite, clear-cut contests on national lines is true with the exception of 1912. Whether any system could be found which would inevitably result in clear-cut, nation-wide contests in a country as large, and with as many diverse interests

¹ See discussion in Chapter IV.

as this, is questionable, but it seems to the writer that if the primary were of more general application and all primaries were held on the same day underlying national issues might be brought to a focus. Under any system local issues are likely to control in a majority of cases, but if there are national issues they will be brought to the surface if all of the states hold primaries on the same day.

It cannot be claimed that the presidential primary has controlled the action of the convention. That such control is impossible at the present time was pointed out in Chapter XI. It is thus apparent that some of the most pointed criticisms are directed not against the presidential primary as such, but rather against the limitation of the system to a few states.

The difficulties resulting from variation in primary dates and lack of uniformity in the laws, which are raised in criticisms 12 and 13, have already been pointed out. The importance of these criticisms lies not only in the weaknesses disclosed but also in the fact that these weaknesses can be remedied by the states only by the adoption of uniform laws.

Finally there remain for consideration two criticisms, the remedies for which seem to be beyond effective state control; the immunity of the convention from the control of state laws and the limitation of candidates' expenditures. It is quite true that the national conventions are beyond control of state law. In 1912 the Republican national convention seated two Taft delegates from California in direct opposition to the law of that state,¹ but a storm of protest greeted this decision and in the call for the 1916 convention the right of the state to control was expressly recognized.

¹ The law provided for the election of all delegates at large; the convention call, for the election of delegates at large and by districts. Taft was said to have carried one district and the two Taft delegates from that district were seated. Republican Party, *Proceedings of 1912*, pp. 202-212.

The state is powerless if the national convention chooses to ignore its regulations but a force stronger than law will probably restrain any national convention from again attempting to supersede a state law. The principle that the state can regulate the method of electing delegates seems to be firmly established. It is interesting to speculate upon what would happen if the state attempted to provide for the election of a number of delegates different from that provided by the convention call,¹ but a situation of that kind is unlikely to occur.

Effective regulation of candidates' expenditures is probably impossible through state action but there is little in our experience with the presidential primary so far to indicate that expenditures have been extravagant or that the use of money tends to control the result of the election.

The position of the presidential primary with regard to these criticisms is about as follows: arguments 1, 2, 3 and 4 have been relatively unimportant in actual practice; 5, 6, 7, 8, 9, 10 and 11 may be removed by redrafting some of the existing laws and by extending the presidential primary to other states; 12 and 13 are important criticisms which can be met by uniform state action only; leaving 14 and 15, which are not serious objections in practice, as the only obstacles to the successful operation of these laws which cannot be met by state action. The problem of securing effective popular control through the use of state presidential primary law is, therefore, largely a problem of redrafting and extension. The redrafting problem is a twofold one demanding the removal of a large number of technical defects (particularly with regard to the method of controlling

¹ In Wisconsin the law specifies the election of two delegates from each district and four at large. In 1924 the number of Republican delegates at large was increased to seven by the National Committee. The La Follette people put the names of seven delegates at large upon the ballot; the Coolidge people only four. The seven La Follette delegates were declared elected.

the delegates), and the securing of uniformity in certain important respects.

Inertia is the only obstacle in the way of the elimination of the technical defects. The securing of the uniformity is a more difficult matter. Such action might be secured through concerted party effort or a campaign on the part of such an organization as the Commissioners on Uniform State Laws. The party organizations have shown no tendency to encourage a movement for a uniform state law, but the matter has been under consideration by the Committee on a Uniform Primary Act for Federal Officers of the Commission on Uniform State Laws. In a recent report the Committee made the following recommendations:

"The Committee does not deem it advisable to attempt to work out a complete primary election law but does feel that there are several points which can well be covered by a Uniform Act which would result in great public benefit if adopted by the several states.

"It is believed that such an Act should provide for at least the following:

1st. A uniform date for holding presidential primaries the same as is now provided for the national election.

2nd. That primary election day should be some time not earlier than March 15th and not later than May 1st in the year in which the presidential electors are chosen.

3rd. That all provisions requiring candidates to accept challenges to debate or otherwise appear before the electorate (as now provided by the South Dakota Law) should be eliminated.¹

4th. Some uniform restrictions upon expenditures based upon population.

5th. Party enrollment under such restrictions as will prevent the participation of members of other parties in choosing candidates of the party of which the elector is not a member.

". . . if it is the desire of the Conference, the Committee will continue its consideration of the subject and submit to the

¹ This provision has been repealed, *Laws of 1921*, ch. 329.

next Conference a tentative draft for its consideration. The Committee recommends that it be directed and authorized so to do.”¹

The writer is inclined to believe that any movement for uniformity has a better chance of success, and that the ultimate results will be more effective, if the minimum amount of uniformity is insisted upon. That minimum would seem to be:

- 1. A uniform primary date;
- 2. Uniform provisions for filing candidacies;
- 3. A uniform method of controlling delegates.

Such questions as qualifications for participation in the primary, whether the presidential primary should be held in conjunction with the state primary, whether delegates should be elected by districts or at large,² together with the machinery for conducting the election, should be settled by each state in its own way.

Any campaign for uniformity may gain hope from the fact that a certain tendency toward uniformity has been evidenced in the practical operation of the existing laws. In Chapter III we noted the fact that the states have shown a tendency to abandon the earliest and the latest primary dates, concentrating upon April and May; and in Chapter VI attention was called to the fact that in actual practice

¹ *Report of the Committee on a Uniform Primary Act for Federal Officers to the National Conference of Commissioners on Uniform State Laws, July 1-8, 1924* At the thirty-fifth annual meeting of the National Conference of Commissioners on Uniform State Laws, August 25-31, 1925, the Committee submitted a tentative draft of a uniform act. The Conference voted to take no action "on the theory that the subject savored too much of the political aspect." For this information the writer is indebted to Mr. Arthur H. Ryall, the Chairman of the Committee.

² If the scheme of voting only for a presidential preference and of permitting the candidates to select the delegates is adopted there would be no option here. See Chapter VI.

it is the preference expressed by the delegates before election which binds them when they vote in the convention, rather than the preference vote for president. Uniformity of certain important provisions would not seem to be an unattainable goal. ”

The extension of the presidential primary to all, or a considerable number of the states is a more difficult problem. Until the primary is extended to more states it can be an effective weapon of control over national politics only in rare instances, and yet the ineffectiveness of the control under the existing situation is unquestionably one of the reasons why the presidential primary is not extended to other states. An impasse has been reached which is well described in the following editorial which deserves quotation at length:

“If the politicians in some states are programming single tickets for the national conventions, and thereby reducing the primary election to a formality; if candidates in other states are refusing to go before the primary; if party conventions are asking candidates not to submit their names to the people—does it mean that the principle of the presidential preference primary is already a demonstrated failure?

“By no means. But it does indicate that in practice the primary has been going into disuse and consequently into some disrepute, for two elections. . . . What is the matter and what is the remedy?

“The matter apparently is that, while the primary, on a simple issue and in all states, would register a great popular verdict, the same primary, on a complex issue and in a few of the states, registers almost nothing at all. This was the case in 1916 and is the case now. The candidates are so numerous that there is no possibility of any of them having a majority, and the primary states are so few and so unstrategic that the outcome in them can have very little effect on the final result. Whatever the people do, in the few states where they have a voice, the nomination will have to be made by convention tactics anyway. Therefore all effort is directed toward fixing

the convention, and very little attention is given to the people. The value still remaining to the primary is in giving an opportunity to a candidate like Senator Johnson, who is strong with the people and weak with the bosses, to enter the convention with a strong nucleus of delegates, which the bosses might otherwise shut him out of. But even he must rest his hopes on additional delegates, from other states, with whose selection the people have nothing to do.

"The remedy? Simply the usual maxim: 'The cure for too much democracy is more democracy.' Extend the presidential primary everywhere and make it a real appeal to all the people. Then the strategic as well as the unstrategic delegates will be chosen by the people. Then the minor candidates, who have no chance except in their own states, and would have little there on a general issue, will disappear. . . . The game of encouraging a multitude of favorite sons, in order to throw the choice into the back room of the convention, will cease to be worth playing. The issue will simplify itself and the people will decide it."¹

It is probable that the primary will remain in its present unsatisfactory state until we have a ~~repetition of 1912—~~ until a deep, nation-wide issue arises in one of the parties which makes the control of the state delegations of vital importance to the rank and file of the members of the party. Until such an emergency arises we may expect little change in the situation.

Most of the criticism of existing presidential primary laws has proceeded on the assumption that we have a presidential primary system which can be judged in the light of its national effectiveness. What we have is not a *system* at all, but individual laws, the effectiveness of which must be judged individually by their influence upon state politics. As was pointed out in Chapter XI, the presidential primaries have proved effective weapons of popular control in many states. It may be made an effective weapon of

¹ Chester Rowell, in the *Fresno Republican*, March 13, 1920, p. 4.

control in other states by redrafting the laws in conformity with the following suggestions:

1. The time should be fixed the last week in April or the first week in May and the presidential primary may be held in conjunction with the state primary where the state ballot is "short."

2. No personal declarations of candidacy should be required of presidential candidates.

3. The election of delegates at large tends to secure significant state-wide contests and party responsibility. By the use of proportional representation delegates may be elected at large without barring any geographical or political minority from representation.

4. Control over the action of the convention should be secured by making certain that the delegates' preferences for president coincide with the popular preference, either by voting only for delegates whose preferences for president are known, or casting a preference for a group of proposalmen representing a particular aspirant for president and giving them the power to select the delegates.

5. The ballot should be carefully drawn so that the relationship between the candidates for delegate favoring the same presidential candidate is clearly indicated and provision should be made for voting for these delegates as a group.

6. Preference votes for vice-president, and direct election of presidential electors and alternate delegates should be eliminated.

Laws conforming to these suggestions would remove the most important obstacles to the effective operation of the presidential primary as an instrument of control over state politics. Only when such laws are extended to all, or most of the states, can we have a test of the presidential primary as a weapon of national control.

CHAPTER XIII

PROPOSALS FOR A NATIONAL PRESIDENTIAL PRIMARY

The impossibility of regulating the proceedings of the national conventions by means of state action, or of effectively controlling campaign expenditures, and the difficulty of extending the presidential primary to all of the states have led many observers to suggest the desirability of the enactment by Congress of a national presidential primary law.

As early as 1911 Senator Owen introduced a bill including provision for the direct nomination of the president.¹ In the following year bills providing for presidential primaries were introduced by Senator Cummins² and by Representatives Norris³ and Howland.⁴ The Progressive platform of 1912 declared for "nation-wide preferential primaries for candidates for the presidency."⁵ When the Democratic administration came into control in 1913, impetus was added to the movement by President Wilson's message to the first regular session of Congress, urging the

¹ *Cong. Record*, 62d Cong., 1st sess., p. 3596, August 4, 1911.

² *Ibid.*, 2d sess., p. 3531, March 18, 1912.

³ *Ibid.*, p. 8668, July 6, 1912.

⁴ *Ibid.*, p. 9445, July 22, 1912. January 31, 1913 the question came to a vote indirectly when Senator Owen moved to amend the Works bill, providing for a constitutional amendment changing the term of the president from four to six years, to include provision for direct nomination and election of president and vice president. Thirty-two senators voted for the amendment. *Cong. Record*, 62 Cong., 3d sess., pp. 2361-62. The vote was 32 for; 36 against; and 27 not voting.

⁵ Kirk H. Porter, *National Party Platforms*, p. 336.

passage of such a measure,¹ and four bills covering the subject were introduced. No action was taken at that time, public interest shifted to the war, and discussion of the problem was not revived until 1920, when various suggestions were made by Mr. Boots, Mr. Ray, Mr. Pulsifer, and others. In 1924 the presidential primary was again given consideration in a national party platform, the La Follette platform of that year declaring:

"We favor such amendments to the Federal Constitution as may be necessary to provide for the direct nomination and election of the President. . . ." ²

The proposals for a national presidential primary law fall into the following classes:

- ✓ 1. A combination of the primary idea with the existing conventions, the sphere of action of the convention to be limited.
- ✓ 2. A combination of the convention and the direct primary, but with the usual order reversed, making the convention the proposal body and the primary the ratifying body.
- ✓ 3. The elimination of the convention with provision for a direct, nation-wide primary for nominating presidential candidates.

The details of the various plans and difficulties raised by each type will now be considered, leaving for Chapter XIV

¹ The President said, in part: "I turn now to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose the nominees for the Presidency without the intervention of nominating conventions." *Cong. Record*, 63d Cong., 2d sess., p. 44. The Democratic platform of 1912 had declared for "... Legislation in each State which will permit the expression of the preference of the electors for national candidates at presidential primaries." Porter, *op. cit.*, p. 323.

² Reprinted in Porter, *op. cit.*, p. 521.

consideration of the obstacles which stand in the way of any form of national action.

The Ferris and Hinebaugh bills and the Wilson and Boots plans fall in the first class. According to the provisions of Congressman Ferris' bill,¹ delegates were to be elected directly by the people at the same time that a preference vote for president was cast. The delegates from each state were to cast their ballots for the primary choice for the first twenty-five ballots, and in no case were they to swing to candidates other than the first, second, or third choice of the voters of the state, unless so requested by a majority of the state committee representing the party in that state. Delegates were to be apportioned among the states either upon the basis of population or the party vote, at the discretion of the national committee, the dates of the primary elections in the states were to be fixed by the state committee, and the time and place of the national convention was to be determined by the national committee. It is not necessary to go into the details of this plan to point out grave defects.

In the light of our experience with state laws it is evident that the method of control affords no assurance that there will be harmony between the delegates' preferences and the popular preference, and that uniformity is not secured where it is most needed—in the date for the primary.

The Hinebaugh² bill followed the same general lines, but differed fundamentally in details. It included a definition of a political party; an apportionment of delegates partly on the basis of population and partly on the basis of party voting strength; nomination of delegates by petitions signed by one hundred voters, with the provision that they might pledge themselves to a certain candidate if they chose; provision for binding the delegates to cast one ballot for the

¹ This bill is summarized in the *American Year Book*, 1914, p. 68.

² *Ibid.*

candidate to whom they had pledged themselves in the primary and then for swinging to any candidate who had received any votes on the first ballot; and the conduct of the primary by state election officers, where state laws conformed essentially to the provisions of the Hinebaugh bill, otherwise under the control of a National Board of Elections. This plan to a large extent generalizes the system now in vogue and raises the moot questions of the proper basis for representation in the convention and of the feasibility of national control of elections. It is open to the objection that no provision is made for grouping together the delegates favoring the same presidential candidate.

The Wilson and the Boots plans retain the national convention but constitute it on entirely different lines. In his message to the first regular session of Congress, President Wilson said:

... "I venture the suggestion that this legislation should provide for the retention of party conventions, but only for declaring and accepting the verdict of the primaries and formulating the platforms of the parties, and I suggest that these conventions should consist not of delegates chosen for this single purpose, but of the nominees for Congress, the nominees for vacant seats in the Senate of the United States, the Senators whose terms have not yet closed, the National committees, and the candidates for the Presidency themselves, in order that platforms may be framed by those responsible to the people for carrying them into effect."¹

This scheme has the advantage of coupling a direct popular vote on the presidential nomination with provision for the drafting of the platform without making necessary two popular votes. It is open to the criticism that a platform drawn in this way might not fit the candidate selected.

A plan following somewhat the same lines, but eliminat-

¹ *Cong. Record*, 63d Cong., 2d sess., p. 44. December 2, 1913.

ing this difficulty is that proposed by Mr. Boots. He suggests eliminating voting for delegates entirely, with the provision that each aspirant for president be permitted to select as many delegates in each state as his quota of the preference vote in that state entitles him to on the basis of proportional representation.¹

In the second group of proposals are placed those plans which provide for a retention of both the convention and the primary but with a reversal of the usual order. This idea was first suggested by Mr. Pulsifer,² and later advocated by Mr. Ray.³ It provides for the retention of the convention, but restricts its activities to the drafting of a platform and the selection of five or six names to be submitted to the party voters at a primary election to be held a month after the convention. The candidate receiving the highest number of votes would be declared the presidential nominee and the candidate receiving the second highest would be bound to accept the vice-presidential nomination (unless a president or an ex-president. Such a plan is urged as the surest way of combining responsible leadership with a nationwide, direct primary, but it presents certain grave difficulties. In the first place, if the delegates to the national convention are chosen under the old caucus-convention system we have no assurance that the hands of the voter will not be tied by having a list of four or five nonentities presented to him on primary day, and if the delegates to the convention are popularly chosen the people of the United States will be called upon to participate in three elections before they have finally chosen a president. Nor is there any assurance that a nominee so chosen will be a *majority* choice, or that the

¹ R. S. Boots, "The Presidential Primary," *National Municipal Review Supplement*, Sept., 1920.

² H. T. Pulsifer, "The Pig and the Primary," *Outlook*, CXXVI: 19-21 (1920).

³ P. O. Ray, "Reform of Presidential Nominating Methods," *Annals of the American Academy*, CVI: 63.

candidate and the platform will be in harmony. The suggestion regarding the vice-presidency is open to serious objections. Until we give the vice-president some function of importance to perform, aside from succeeding to the presidency, men of presidential calibre will not be drawn to the office and it is highly probable that a candidate might refrain from running for the presidency if he knew he stood the chance of being forced into the vice-presidency.

An interesting plan following somewhat the same general lines is that of Mr. Merriam.¹ He suggests the possibility of building up a party conference composed of the presidential incumbent (in the case of the party in power), cabinet and ex-cabinet members, party members in Congress, party governors, national committeemen and chairmen of state committees, and prominent party leaders and candidates for the presidency. The prominent party leaders might be chosen by the national or state committees, or by party leagues or associations. Such a body might become a forum and clearing house for questions of policy, party administration, and practical tactics. But in addition it might propose the names of presidential candidates for consideration by the voters. Such an ex-officio conference eliminates the need for *two* primary elections.

Finally we come to a consideration of the third group of plans, in which ~~may be included the Cummins and Lafferty bills of 1913~~². According to both of these bills the voters were to indicate their choice for president at a direct, uniform, national primary, without the intervention of any convention. Candidates were to be proposed by petitions signed by one-half of one per cent of the party voters in each of at least five states and in the aggregate not less than one-

¹ C. E. Merriam, "Nomination of Presidential Candidates," *Journal of the American Bar Association*, VII: 79-85; and his *American Party System*, pp. 298-304.

² Summarized in the *American Year Book*, 1914, pp. 68-71.

quarter of one per cent of the total party vote. The bills differed only in their provisions concerning who was to be declared elected; the Lafferty bill retaining state lines and providing that the successful candidate was to be the one who had secured a plurality of the votes of all the states, while the Cummins bill provided for a plurality of the popular votes without regard to state lines. The fundamental objection to any plan of this kind is that it makes no provision for the drafting of a platform.

It is evident from the discussion of these plans that the problem of drafting a presidential primary law on national lines is extremely intricate; problems of the utmost importance must be faced at every turn. Whatever plan is adopted raises the vexing question of whether it should be conducted by state or national officials, or partly by each. The use of national election officials would create endless duplication, confusion and antagonism, yet if state officers were used they would hold it within their power to render the law ineffective. The question of negro voting in the South will inevitably be raised, whether uniform suffrage qualifications are established, or whether it is merely a question of the interpretation of various state laws now in effect. If a uniform test of party affiliation were applied in the national primary, separate state and national party enrollments would be necessary. There is also the question of defining a political party and of deciding to what parties national primary regulations should apply. Finally there is the difficulty of fixing a primary date which will fit in with the election schedules of all of the states.

Any plan which provides for the retention of the convention raises the question of the basis of representation; whether it shall be determined by population, voting strength or proportional to the voting strength of the different groups within the party, and whether or not state lines

shall be retained in the apportionment of delegates. Closely related to this is the question of whether nomination shall be made by a majority of all of the delegates, or by a simple plurality, or whether a majority of all of the delegates from a majority of states shall be insisted upon.

Finally, any plan involving nomination by means of a direct primary vote meets such problems as: How shall names be proposed? Shall a simple plurality vote be sufficient to nominate or shall a majority in a majority of the states be required? How can minority choices be avoided? How can a platform be drawn?

The difficulty of meeting all of these problems is well-nigh insurmountable, and the following suggestions are merely exploratory. Whatever plan is adopted should provide for a uniform date which allows a much shorter period of time to elapse between the nomination and the election than under our present system. In order to avoid as much friction as possible, the fixing of qualifications for voting, including the party test, should be left to the states and the general conduct of the election should be in the hands of state rather than United States officials. On the other hand, the United States government should be given the power to act if any state fails to do so. The conventions as at present constituted are unwieldy bodies, wholly unfitted for effective deliberation, and as such should be eliminated; at the same time provision should be made for having the platform drawn up by some representative body.

The writer would suggest the following plans as perhaps having some merit. The first is an adaptation of the Boots plan described above. Under this plan the names of presidential aspirants could be proposed by petitions signed by about one-half of one per cent of the party voters in each of at least five states, said petitions to be circulated by a proposal committee of fifteen, authorized to act on

behalf of the candidate, the names of said proposal-men to be filed with the petition. The petition should be filed in the office of a superintendent of elections in Washington and the names of the proposers should be given publicity by him in the daily press. With the nominating petition would be filed a list of not more than 150 names of representatives of each candidate who might be called upon to represent him in the subsequent conference. The ballot would contain only the names of the presidential candidates and the proposal committee, with provision for voting only for the presidential candidate. In the totaling of the vote, state lines would be ignored. Any candidate receiving a majority of the popular vote would be declared the party nominee. If no candidate received a majority the choice would go to the conference. This conference would contain a total of 150 members, each candidate being represented by a proportion of the delegates equal to the ratio his popular vote bore to the total popular vote. To this body would be given the power to draft the platform and to select the vice-presidential nominee. If no candidate for the presidency received a majority in the primary the conference would also perform the function of choosing the presidential nominee, but its choice would be limited to the two highest candidates, thus making impossible the choice of a "dark horse" or a minority candidate. This plan has the advantage of avoiding the vexing question of the proper basis for geographical representation, it insures a majority choice without the use of either a second primary or preferential voting, and it provides a method of drafting a platform which insures harmony between the candidate and the platform. It may also secure a clear-cut contest on national lines. Many will object to it because state lines are wholly ignored in determining the basis of representation, that it would be entirely possible for a candidate to pick all of his delegates from a

few states, and that it insures *individual* rather than *party* responsibility.

The alternate plan adopts the party conference idea which has been suggested by ex-President Wilson and Mr. Merriam¹ but makes the conference the proposal rather than the ratifying body. According to this plan an ex-officio conference made up of nominees for the House of Representatives, nominees for vacant seats in the Senate, "hold-over" senators, national party committeemen, and state party committeemen would meet early in the fall, draw up a platform and suggest the names of not more than three presidential possibilities, who would be voted on not later than October first. Provision would also be made for independent nominations by the petition method. This plan insures the maximum amount of party responsibility but is open to the following objections: the platform and the candidate may not harmonize; the candidate may be a minority choice; and terrific pressure might be brought upon members of Congress by a president who might be a candidate for renomination and election. The second objection is a particularly strong one. It is difficult to see how it could be avoided unless a second primary were held in case no candidate received a majority in the first primary. Preferential voting has been unsatisfactory where it has been experimented with because second choice votes are not used.²

The writer is frank to admit that both of these plans are far from ideal. They are suggested merely because of the conviction that any new approach to the problem may aid in its ultimate solution.

¹ C. E. Merriam, "Nomination of Presidential Candidates," *Journal of the American Bar Association*, VII: 79-85.

² See B. H. Williams, "Prevention of Minority Nominations for State Offices in the Direct Primary," *Annals of the American Academy*, CVI: 111-115.

CHAPTER XIV

THE OUTLOOK FOR NATIONAL ACTION

The passage of a national presidential primary law has been freely urged ¹ but most of the advocates of such a step show a tendency to pass rather lightly over the difficulties confronting such a program. To the writer the question of whether it is preferable to urge uniform state legislation or action by Congress is not so much a question of the desirability of one form of action as opposed to the other as a question of which is more feasible. The obstacles which must be met if a program of national action is adopted must, therefore, be given careful consideration.

First of all there is the question of constitutionality. Whether a national presidential primary law would ever have been upheld by the Supreme Court is doubtful ² but the attitude of the court in the *Newberry* case makes it even more improbable.³ According to the Constitution, presidential electors in each state are appointed "in such manner as the legislature thereof may direct" ⁴ and the only power

¹ McAdoo, Bryan, Leonard Wood, Hiram Johnson and La Follette are a few of the prominent men who have put themselves on record as favoring national action. For recent favorable newspaper comment see *Indianapolis News*, May 14, 1920, p. 6; *Springfield Republican*, April 4, 1924, p. 12; *Philadelphia Public Ledger*, March 21, 1916, p. 12. For adverse criticism see *New York Times*, April 9, 1920, p. 12.

² Senator Pomerene, chairman of the Subcommittee of the Senate Committee on Privileges and Elections reported to President Wilson that Congress had no authority to pass a nation-wide primary. Senator Owen held that Congress had that power. See *Washington Star*, March 25, 1915, p. 3 for a summary of the report.

³ *Newberry v. United States*, 256 U. S. 232, May 2, 1921.

⁴ Article II, sec. 2.

given to Congress is that of determining the time when electors are to be chosen and the day on which they are to cast their votes.¹ The present party nominating process is entirely outside the plan drafted by the "Fathers," but the intention of turning over the details of the process to the state legislatures is plain enough and would seem to put the whole matter beyond the control of Congress.

In the Newberry case the court was called upon to decide whether Congress had power to legislate regarding the amount of money which members of the House and Senate might spend in their nominating campaigns and a divided court held invalid that part of the act of June 25, 1910, which applied to *primary* expenditures. Four members of the court held that under Article I, section 4 of the Constitution the power of Congress over the choice of representatives and senators was limited to regulating the "manner of holding elections" and that the term *election* included only the *final choice* and not the *nomination*. Justice McKenna concurred with the majority in so far as the powers of Congress under Article I were concerned, but expressly reserved the question of the power of Congress over senatorial nominations under the seventeenth amendment. The other four judges argued that the term "manner of holding elections" was broad enough to comprise the entire mode of procedure; also that the broad powers of the national government to legislate through a Congress consisting of a Senate and a House of Representatives chosen by the people gave the national government power to control the entire process of selection. If the Supreme Court would not uphold the right of Congress to regulate the nomination of senators and representatives when power over their election was expressly granted and direct election was provided for, it seems entirely be-

¹ Article II, sec. 3.

yond the pale of probability that they would concede to Congress power to regulate presidential nominations when control over the election process is expressly given to the states and when the whole process provided for would be entirely foreign to the intent of the Constitution.¹

What attitude the Supreme Court might assume toward a national presidential primary law is, perhaps, an open question² but there is no doubt that members of Congress consider that the Newberry decision has eliminated all possibility of such action without a constitutional amendment. In every case where the writer approached a member of Congress with the question of the desirability and feasibility of such action the reply was: "The Supreme Court won't let us." That being the attitude in Congress the question is closed for all practical purposes and we must proceed upon the assumption that any form of national action must be preceded by a constitutional amendment.

Favorable action by two-thirds of each house of Congress and ratification by three-fourths of the state legislatures is possible only if there is a very deep-seated popular demand for such action and practical unanimity as to the form which it should take. The deep-seated demand is not in evidence and the ramifications of the problem make unanimity of opinion almost impossible. A discussion of a constitutional amendment giving Congress control over presidential nominations will lead inevitably to a discussion of the advisability of direct election, lengthening the term of office to six years, and prohibiting the reelection of a president.

¹ For analyses of the Newberry decision see E. S. Corwin, "Constitutional Law in 1920-21," *American Political Science Review*, XVI: 22 (1922); and note in *Michigan Law Review*, XIX: 860.

² *The Report of the Committee on Uniform Primary Act for Federal Officers* says of the presidential primary: "as to whether or not it is a subject upon which Congress can properly legislate is a question left in doubt by the Supreme Court. (See *Newberry v. United States* 256 U. S. 232)."

possible ramifications

These problems naturally bring up the question of changing the date of the inauguration and providing that the President and the new members of Congress shall take their seats immediately. Finally the whole question of the regulation of campaign expenditures will be brought into the discussion, and perhaps also the desirability of a uniform national primary act governing the choice of nominees for Congress as well as the presidency. The possible ramifications of the inquiry are almost infinite.¹

Scarcely less of an obstacle to control through national action is the difficulty of formulating a law, even if the necessary amendment were in effect. This aspect of the question was too thoroughly discussed in Chapter XIII to demand more than passing mention here.

✓
Good point +
✱
Any movement for a national presidential primary law will be heralded in many quarters as a new and unjustifiable encroachment by the national government upon a sphere of action which ought to be left to the states. In this country no function has been looked upon as more peculiarly a state function, perhaps, than the control of the election machinery. Any step to make the control of presidential nominations a national function would be looked upon as a step toward the ultimate abandonment of the federal principle. It is unnecessary here to argue for or against such abandonment; it is sufficient to point out that any such suggestion will meet with keen opposition from those who object to such action. The writer found that northern Democrats as well as southern Democrats opposed a national

¹ An examination of the number of points brought out in the *Hearings Before the Committee on Election of President, Vice President, and Representatives in Congress*, 67th Cong., 4th sess., January, 1923, and in the discussion of the Works amendment in 1913, *Congressional Record*, 62d Cong., 3d sess., pp. 2361-63, will convince the reader that this point is not overstressed.

presidential primary upon these grounds, and that some Republicans shared their point of view.

Such a movement would of course meet with opposition from all opponents of the primary principle as such, as well as the naturally conservative-minded who hesitate to break away from a system of such long standing. It is perhaps not without weight, too, that our national nominating convention is a picturesque, typically American political institution that offers a peculiar variety of popular amusement very dear to the heart of the American people. We do love our national conventions, although the 1924 Democratic "battle of the ballots" dampened the ardor of some.

Altogether there is nothing to encourage the hope that we may expect a national presidential primary through congressional enactment in anything approaching the "near future." When such action does come it probably will be part of a general movement for very fundamental changes in the organization of our national government.

CHAPTER XV

CONCLUSIONS

In conclusion it is proposed to summarize briefly the more important points which have been made in this analysis of the presidential primary and to point out its probable development, especially in the light of possible alternatives.

The presidential primary movement was part of a general movement for democratic control, but the present effectiveness of the laws is limited by the fact that many of them were drawn to meet a particular situation, that they were hastily considered, and that in many instances they were half-way measures.

An analysis of existing laws and their operation reveals important technical defects which could be removed by re-drafting the statutes. The most important of these pertain to the method of controlling the delegates in the convention. In many states the law attempts to control through instructing the delegates by means of a preference vote instead of concentrating attention upon securing delegates whose personal preferences correspond to the popular preference. Harmony between the delegates chosen and the popular preference is essential and may be secured by printing the preferences of the delegates upon the ballot, by providing for the proposal of lists or groups of delegates favoring the same candidate, and by allowing the elector to vote for these as a group. The proposal and election of all delegates at large tends to promote state-wide responsibility for candidacies and clear-cut, state-wide contests. By using pro-

portional representation it would be possible to represent all elements within the party and still retain the advantage of the election of delegates at large. The effectiveness of the existing laws would be increased by eliminating provisions for vice-presidential preferences and the election of alternate delegates and presidential electors.

As at present in operation, the presidential primaries can exercise control of the nomination for president only in the event of a very sharp, clear-cut division within the party, such as occurred in the Republican party in 1912. If, in that year, the presidential primary had been in operation in as many states as it is now the verdict of the primaries would have controlled the choice of the Republican convention in spite of all that the "old guard" could do. Ordinarily, however, its effect upon the nomination may be expected to be negative rather than positive. Negatively it performs the useful function of giving certain aspirants indisputable proof of their unavailability as candidates.

As an attempt to secure party responsibility it has been more effective. It rarely results in well-defined divisions on national questions, the results of which serve to control platform policies, but it often brings to the surface state-wide differences of opinion on national questions which have national significance, and makes possible the open settlement of important questions of state policy and leadership. It must not be forgotten, too, that the voice of the primary had a belated, but none the less important effect upon the national Republican organization in 1916. The "voice of the people" spoke clearly in the primaries of 1912 and was ignored by the convention, but in 1916 a remembrance of the resulting disaster led the party organization to disavow some of its objectionable practices and select a progressive candidate. In the last analysis the effectiveness of the presidential primary must be judged largely by its control over

state party machinery and the action of the state delegations within the conventions. Here it has been a valuable instrument for maintaining party responsibility. It has eliminated the contesting delegation, provided an orderly way of settling contests over state party leadership, and has forced the candidates to use more open campaign methods in the primary states. In these various inconspicuous ways the presidential primary has served to render the party organization more responsive to popular control.

The effectiveness of the presidential primary as at present in operation is limited by the faulty construction of many of the laws and the lack of uniformity in certain important respects, but most of all by the fact that it is in use in less than half of the states. The only way to meet this difficulty lies in extending the system to all, or to a considerable number of the states, either through state or national action. National action seems improbable because of the difficulty of passing the necessary constitutional amendment, because of the difficulty of agreeing upon a primary plan, because of the inevitable connection of the problem with other features of the organization of our national government which also demand modification, and because of the hostility in many quarters to the national government taking over all, or a part, of the function of elections. Practically the same end may be obtained through state action if substantial uniformity of certain important features is secured. It seems improbable that such a movement will gain much headway until a recurrence of the 1912 situation creates a demand for more effective control over the individual state delegations.

In conclusion just a word must be said about the value of the presidential primary as it now exists, or as it may be developed, in the light of the alternatives. No system can be judged entirely by itself, but must be considered in the



light of possible substitutes and their effectiveness. If the primary is abandoned one of two things will probably happen: there will be a return to the convention method of selecting delegates to the national convention, or the parties will provide for unofficial primaries. It seems improbable that those states which now exercise a very real control over the choice and action of their delegations through effective primary laws will seriously consider a return to the convention system, which opens the way for contesting delegations and fails to secure responsibility of the delegates to the party voters within the state. The convention method of choosing delegates operates at its worst in times of stress, when feeling between the various factions runs high. That is well illustrated by what happened in Michigan in 1912. The fight began in the party caucuses, where it was claimed that the Taft forces got their supporters to vote in the first hour and then closed the polls. The Roosevelt supporters who came later claimed that they had a right to cast their votes and consequently sent a contesting delegation to the county convention. The county convention was described as "a creation of bedlam that will go down in history as a Republican county convention,"¹ and resulted in two delegations being sent to the state convention. In that convention the Taft and Roosevelt forces literally came to swords points. The Taft men, controlling the majority of the state central committee, planted their sergeant at arms and fifty men from the sugar beet factories, sworn in as deputies, in the armory to keep out the Roosevelt delegates. Governor Osborn, a Roosevelt man, held that the armory was state property and ordered the militia to drive them out. The fracas ended in two separate conventions being held, in the creation of two state committees, in the election of two state chairmen, and in sending two contesting delegations to the

¹ *Detroit News*, April 5, 1912, p. 1.

national convention. And after all of that no one could say with certainty which candidate was entitled to the support of the Michigan delegation! ¹ In the light of such possibilities the states will not be eager to return to the old convention method.

The other possible method is the unofficial primary held at the discretion of the party organization and under its control. It is open to much the same objection, in proof of which we may cite the Minnesota Republican primary of 1920. At that time the Republican State Committee was controlled by Wood sympathizers and they decided upon a preference vote in conjunction with the party caucuses, in the hope that their support of Wood would gain them the control of the Hennepin County organization.² Johnson made an active campaign in the state and in spite of "trick" ballots circulated by the state organization he polled such a high vote that the State Committee found it convenient to cease compiling the vote as soon as the convention met. The result of the preferential vote was never announced in the state convention and the delegates to the national convention were either instructed for Wood or went uninstructed. Not a single delegate from the state was instructed for Johnson.³

In the light of these alternatives it seems probable that the presidential primary will not lightly be abandoned by those states having effectively drawn laws, for it does insure the election of fairly representative delegates to the national convention by a perfectly fair method. Moreover, it becomes most effective when feeling runs highest and divisions of opinion are sharpest. On the other hand the convention

¹ *Detroit News*, April 5, 1912, p. 1; April 11, 1912, p. 1; and April 12, 1912, p. 1. The delegates at large favoring Taft were of course seated in the national convention.

² *Minneapolis Journal*, January 29, 1920, p. 1; March 17, 1920, p. 16; March 18, 1920, p. 1.

³ *Minneapolis Journal*, March 21, 1920, p. 10.

system or the unofficial primary may function fairly satisfactorily when there is little difference of opinion, but it breaks down just at the time when the most effective control is needed. The value of the presidential primary is increased rather than decreased by the fact that it is distinctly an *emergency* measure.

APPENDIX A

CALENDAR OF PRESIDENTIAL PRIMARIES

1912	1916	1920	1924
Mar. 19—N. D.	Mar. 7—Ind.	Mar. 9—N. H.	Mar. 11—Ala.
26—N. Y.	10—Minn.	16—N. D.	11—N. H.
Apr. 2—Wis.	14—N. H.	23—S. D.	18—N. D.
9—Ill.	21—N. D.	Apr. 5—Mich.	25—S. D.
13—Pa.	Apr. 3—Mich.	6—N. Y.	Apr. 1—N. Y.
19—Neb.	4—Wis.	6—Wis.	1—Wis.
19—Ore.	10—Ia.	13—Ill.	7—Mich.
30—Mass.	11—N. Y.	20—Neb.	8—Ill.
May 6—Md.	11—Ill.	23—Mont.	8—Neb.
14—Cal.	18—Neb.	27—N. J.	22—N. J.*
28—N. J.	21—Mont.	27—Ohio	22—Pa.
June 4—S. D.	25—N. J.	27—Mass.	29—Mass.
	25—Ohio	May 3—Md.	29—Ohio
	25—Mass.	4—Cal.	May 5—Md.
	May 1—Md.	4—Ind.	6—Cal.
	2—Cal.	18—Pa.	6—Ind.
	16—Pa.	18—Vt.	16—Ore.
	19—Ore.	21—Ore.	27—W. Va.
	20—Vt.	25—W. Va.	27—Mont.
	23—S. D.	June 5—N. C.	June 7—N. C.
	June 3—N. C.		
	6—W. Va.		

* Changed to third Tuesday in May by amendment of 1925.

APPENDIX B

A DIGEST OF PRESIDENTIAL PRIMARY LAWS

The following digest includes the more important provisions of all presidential primary laws enacted. For convenience these have been arranged in the following groups:

1. Mandatory Presidential Primary Laws in Operation, 1924.
2. Optional Presidential Primary Laws in Operation, 1924.
3. Repealed Presidential Primary Laws.
4. Presidential Primary Laws Declared Unconstitutional.

The first citation given is to the most recent compiled statutes; following that are the citations to the session laws containing the original laws and the amendments. Where the presidential primary acts are more recent than the latest compilation, reference is made only to the session laws.

Under the heading, "Method of Control" have been included all provisions which tend to give the voters control over the action of the delegates in the convention.

Under "Remarks" are listed miscellaneous provisions and important amendments.

The session laws of 1925 were not available when this digest was completed and consequently 1925 amendments are not included in the case of most states.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>California</i>			
Calif. Legis. Counsel Bureau, Gen'l Election Laws (1922 ed.), Direct Primary Law, pp. 116- 176, Presidential Pri- mary Law, pp. 177-182. Laws, extra sess., 1911, ch. 18. Laws, 1915, ch. 137. Laws, extra sess., 1916, ch. 2. Laws, 1923, ch. 23.	1st Tues. in M a y. (No other elections. State primary in August.)	Petition signed by not less than $\frac{1}{2}$ of 1% of party vote for Gov. at last elec- tion, and not more than 3%. Names may be grouped under name of candi- date they prefer. Filed 40 days before primary.	Delegates only. (All elected <i>at</i> <i>large</i> .)
<i>Illinois</i>			
Revised Stats. (Cahill) 1925, ch. 46, secs. 381, 401, 408, 410, 423-5. Ill. Election Laws July 1, 1923, Art. 25. Special sess. of 1911-12, p. 43. Laws, 1913, p. 318. Laws, 1919, p. 490. Laws, 1921, p. 432.	2d Tues. in April. (Same as state.)	Prest.: Peti- tion signed by not less than 3,000 or more than 5,000 vot- ers, filed at least 40 days before the pri- mary. Del. at large: not less than 1,000 or more than 2,000 vot- ers, filed not more than 60 or less than 40 days before the primary. Dist. dels: $\frac{1}{2}$ of 1% of pri- mary voters in that dist., filed as for delegate at large.	Prest. Delegates at large. District del- egates.
<i>Indiana</i>			
Annotated Stat- utes Suppl. of 1921 (Burns), secs. 7054 h, i, j, n, fl, gl, hl, il, jl. Laws, 1915, p. 359 ff. Laws, 1917, p. 358.	1st Tues. after 1st Mon- day in May. (Same as state pri- mary.)	Prest.: Peti- tion signed by 500 voters, filed at least 60 days before the pri- mary. Delegate: Petition signed by 10 voters. Must be filed at least 20 days be- fore the pri- mary.	Prest. Vice-prest. Delegates to <i>state</i> conven- tion.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Delegate <i>may</i> file declaration of preference in which he promises to support that preference to the best of his judgment and ability. Delegates <i>may</i> be grouped. In order to appear in any group a candidate must have the approval of the person he is supporting. A "no preference" column includes those not endorsed by candidate supported, as well as those stating no preference.	Any qualified elector who has registered 30 days previously, receives only the ballot of the party with which he has registered.	1911 law fixed date 2d Tues. in May and provided for a preference vote for Prest.
Each candidate for delegate must file petition giving his preference or stating he has no preference. A candidate for Prest. may disavow any candidate for delegate, in which case his name doesn't appear on the ballot. Preference vote of state at large held as <i>advisory</i> to delegates at large and that of the congressional districts as advisory to district delegates.	Any qualified voter who declares his party affiliation and if challenged states he has not voted at the primary of any other party in the last 2 years. Record made of party affiliation at each primary.	1912 law provided only for a preference vote. Delegates chosen at state and district conventions. 1913 law as given here was in effect 1916 and is now in effect. 1919 law (in effect 1920) provided that delegates at large be chosen by state convention. This law declared unconstitutional, <i>People v. Fox</i>, 294 Ill. 263. 1921 law combined state and prestl. primaries.
Any candidate for Prest. receiving a majority is declared the candidate of the state and delegates are bound to vote for him as a unit as long as his name is before the convention. If no candidate receives a majority the vote may be disregarded. In any case the result is certified to the state party chairman and is reported to the convention.	Every qualified voter who voted for a majority of the party candidates at the last election; or if he did not vote then, intends to vote for a majority of the candidates of that party at the next election. Must be registered.	In 1915 the date was the 1st Tuesday after the 1st Monday of March. Amended 1917.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>Maryland</i> Annotated Code, 1924 (Bagby), Art. 33, sec. 190, pp. 1319 ff. Laws, 1912, ch. 134.	1st. Mon. in May. (Same as state pri- mary.)	Application signed by candi- date, filed with- in 15 days of the primary, ac- companied by a fee of \$270.	President. Dist. dele- gates to <i>state</i> convention.
<i>Massachusetts</i> Compiled Laws, 1921, ch. 53, secs. 7, 23-40, 44, 48, 65-70. Acts, 1912, ch. 254. Acts, 1913, ch. 835, secs. 138- 150. General Acts, 1916, ch. 16.	Last Tues. in May. (No other election at that time. State primary in Sept.)	Del. at large: petition signed by 1,000 voters, not less than 250 of whom come from each of 4 different counties. Dist. del.: 5 voters from each ward or town in the dist. but never more than 250. Must be filed on or before the 5th Tues- day preceding the election.	Delegates at large. Dist. dele- gates.
<i>Michigan</i> Compiled Laws, 1915, secs. 3518-20, 3567- 3574. 1st Special sess., 1912, Act 9. Laws, 1915, Act 219.	1st. Mon. in April. (No other elections at same time. State primary in August.)	Petition signed by 100 political party supporters in the state, filed by March 1.	Pres. only.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Dist. delegates in <i>state</i> convention bound by vote for Prest. in their dist. (as a unit). Whole state delegation is instructed to vote as a unit in Natl. Convention for candidate receiving a majority in the state convention. If no candidates qualify, the state convention may instruct for whom it chooses or send the delegation uninstructed. Voters have a chance to vote for an uninstructed delegation.	Duly qualified voters who are registered and who have stated party affiliation at registration. Any change in party affiliation must be made 6 months prior to the primary.	Law of 1912 made no provision for a statement of preference by delegates; provided for preference vote for prest.
Ballot contains a statement of the presidential preference, if any, of each candidate for delegate, provided that such candidate for nomination files his written assent thereto. Delegates preferring a certain candidate for President may be grouped together, but must be voted for separately.	Must vote with party in which enrolled, but he may change or cancel his enrollment by appearing in person before the town clerk and registering again in writing. Change takes effect in 30 days.	
No pledge. Candidate for Prest. receiving highest no. of votes in the state at large declared to be the choice of such political party for the state.	Any registered voter. May register on primary day. No party test.	Passed in 1912, but the Senate refused to give the law immediate effect and it was first used in 1916.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>Montana</i> Revised Code, 1921 (Choate), secs. 623, 671 ff. Laws, 1913, p. 590. Laws, 1921, p. 410.	Last Tues- day in May. (No other elections at the same time. State primary in Sept.)	Prest.: Peti- tion of personal supporters in Montana. Delegate: 1% of party vote at last election for Repres. in Con- gress, but not more than 500.	Prest. Vice-prest. Delegates. In practice delegates are sometimes elected entire- ly at large and sometimes by districts al- though law seems to re- quire election <i>at large</i> .
<i>Nebraska</i> Compiled Stat- utes, 1922, ch. 18, Art. XI, secs. 2101 ff., p. 691. Annotated Stat- utes, 1911, sec. 5864. Laws, 1923, ch. 70.	2d Tuesday in April. (Same as state pri- mary.)	Prest.: Peti- tion signed by 25 electors. Dist. del.: 500 names rep- resenting $\frac{2}{3}$ of counties. Del. at large: 500 names in each congrl. dist. Must be filed 30 days prior to pri- mary.	Prest. Vice-prest. Delegates at large. District del- egates.
<i>New Hampshire</i> Supplement to the Public Stat- utes (Chase), 1913, pp. 52-54. Laws, 1913, ch. 167. Laws, 1915, ch. 124.	2d Tuesday in March. (Town meet- ing day.)	Personal dec- laration and fee of \$10 or petition of 100 voters, filed not more than 60 or less than 18 days before pri- mary.	Delegates at large. District del- egates.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Every delegate takes an oath of office to faithfully carry out the wishes of his party as expressed by its voters at the time of his election.	Any qualified voter.	Law passed by popular initiative. An attempt to repeal it in 1920 failed. The original law provided that each elector should vote for only <i>one</i> delegate but this was never done in practice. This provision omitted when law was amended in 1921. <i>Law repealed</i> by legislature of 1923. Repeal upheld by popular referendum, 1924.
None. Each delegate and members of the National Committee furnished with a certificate of the votes cast for President.	Registered voters who state party affiliation at primary. In cities a record of party enrollment is kept.	Preference vote held morally binding only, State v. Wait, 92 Neb. 313. Date changed from 3d to 2d Tuesday of April, 1923.
Pledge to support a certain candidate is optional with the candidate. Pledge is to support him as long as his name is before the convention.	Those whose names are on check list. Must vote with the party with which registered. May change party at any time within 90 days of the primary.	Date was originally the 3d Tuesday in May.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>New Jersey</i> Laws, 1911, ch. 183. Laws, 1916, ch. 41.	4th Tues- day in April. (No other elections at same time. State primary in Sept.) *	Dels. at large and dist. dele- gates: petition signed by 100 voters. Prest.: 1,000 voters. Con- sent of prestl. nominee not necessary. Must be filed before April 1.	Prest. Dels. at large. Dist. dels.
<i>New York</i> Laws, 1911, ch. 891, sec. 53. Laws, 1912, ch. 4. Laws, Special sess., 1913, ch. 820, sec. 53. Laws, 1921, ch. 479, sec. 53. Laws, 1922, ch. 588, sec. 21.	1st Tuesday in April. (Elect dele- gates to state conventions and party of- ficials at same time.)	Petition signed by 3% of total enrolled voters of party in the dist., but not more than 500. Filed not earlier than the 5th Tues. and not later than the 4th Tues. pre- ceding the pri- mary election.	District del- egates.
<i>North Carolina</i> Consolidated Stat- utes, 1919, secs. 6019, 6022, 6027.	1st Satur- day in June. (Same as state pri- mary.)	Declaration of candidacy and a promise to support the party choice, filed at least 6 weeks before the primary.	Prest. Vice-prest.

* Changed to the third Tuesday in May, in 1925, when provision was made for holding the state primary and the presidential primary on the same day.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Delegates may be grouped together and may have name of candidate for Prest. whom they prefer placed after their own names on the ballot. Vote for Prest. "publicly announced."	Must be registered and can vote only in the primary of the party with which he affiliated at the last primary.	1911 law fixed the time as the 4th Tuesday in May.
None.	Any enrolled party voter. May vote only with party with which enrolled. Enrolled at any general election. May not change registration until beginning of next registration, 4th and 3d weeks before general election.	The 1911 law was optional. Delegates <i>at large</i> to be elected at state convention, according to an amendment adopted in 1921.
Del. at large bound by majority of votes cast in state at large; dist. del. bound by the majority of votes cast in his district (or by plurality if there is no majority).	Every person who may be entitled to register and vote in the general election for presidential electors.	Law passed March, 1915. No important changes since. Primary comes so late that delegates are chosen previously (by the state convention).

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>North Dakota</i> Compiled Laws, 1913, secs. 910- 916. Laws, 1911, ch. 208.	3d Tuesday in March. (Same as local elections. State primary in June.)	Prest. and dels.: 1% of party vote at last election for congressman, or not less than 500 names. Must be filed not later than 1st day in March.	Prest. Vice-prest. Delegates, all <i>at large</i> .
<i>Ohio</i> General Code (Throckmor- ton), 1921, secs. 4955 ff. Laws, 1911, pp. 414-417.	Last Tues- day in April. (No other elections at the same time. State primary in August.)	Declaration of candidacy and certificate signed by five electors.	Prest. Vice-prest. Delegates at large. District del- egates.
<i>Oregon</i> Compiled Laws, 1920 (Olson), secs. 3936-54, 3956, 3970. Laws, 1911, ch. 5. Laws, 1915 ch. 242.	3d Friday in May. (Same as state pri- mary.)	Prest.: upon his written re- quest or a peti- tion signed by 1,000 voters. Del.: Decla- ration of candi- dacy and pay- ment of a \$15 fee or a petition signed by 2% of party vote in the electoral dist. Must be filed not later than 35th day prior to primary.	Prest. Vice-prest. Delegates at large. District del- egates.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Each delegate takes an oath promising to faithfully carry out the wishes of his party as expressed by the voters at said election. Certificate of votes received by each candidate for Prest. given to each elected delegate. No chance for delegate to indicate personal choice for Prest.	Each voter given the ballot of the party with which he declares himself affiliated, or with which he may have registered at the last registration.	According to the interpretation of the Attorney General the presidential primary is "open," although the state primary is "closed." Registration is examined only if voter <i>refuses to state</i> party affiliation. Opinion dated March 11, 1924.
Each delegate must file with his declaration a statement of his 1st and 2d choice for Prest. These are printed on the ballot. May also file a promise to support the candidate for Prest. who is selected by the voters at the primary. No candidate's name may be used without his consent. Prestl. candidate may withdraw his name. Results of vote for Prest. certified to each elected delegate.	Duly qualified voters who have supported the party ticket at last general election. May be challenged.	Law of 1911 provided only for election of district delegates.
Candidate for delegate promises to use best efforts to secure the nomination of the person receiving the highest number of votes in the primary. May also state candidate he favors and the principles in which he believes.	Those registered, who have stated party affiliation.	First law passed by popular initiative, 1910. Provided for the election of all delegates at large by the single transferable vote system. Abolished by law of 1915. Expenses of delegates paid (up to \$200). Delegates and candidates for President entitled to space in publicity pamphlet published previous to primary at the expense of the state.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>Pennsylvania</i> Compiled Stat- utes, 1920, secs. 9672-9681. Special sess. 1906, no. 36. Public Laws, 1911, pp. 43-49. Public Laws, 1913, no. 400, p. 719. Public Laws, 1917, no. 136, p. 244.	3d Tues. in May. (Same as state pri- mary.)	Prest.: Peti- tion signed by 100 voters in at least 10 coun- ties. Del. at large: 100 qualified electors in each of 5 counties. Dist. Del.: 200 qualified voters. Must be filed at least 4 weeks prior to the primary.	Prest. Delegates at large. District del- egates.
<i>South Dakota</i> Revised Code, 1919, secs. 7097-7131, 7144-46. Laws, 1909, ch. 297, sec. 66. Laws, 1917, ch. 234, p. 320 ff. Laws, 1921, ch. 329. Laws, 1925, ch. 156.	4th Tues. in March. (Same as state prima- ry.)	Prest. and Del.: by a pro- posal conven- tion made up of elected proposal- men; by a dis- senting group in that conven- tion; or by in- dependent peti- tion.	Prest. Vice-prest. Delegates (all at large).
<i>West Virginia</i> Barnes' W. Va. Code, Annotat- ed, 1923, ch. 3, sec. 26a. Laws, 1915, ch. 26. Extraordinary sess., 1916, ch. 5.	Last Tues. in May. (Same as state pri- mary.)	Declaration of candidacy filed at least 30 days before the pri- mary.	Prest. Delegates at large. District del- egates.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Each candidate for del. has printed after his name whether or not he will support the popular candidate for Prest. in his dist.	Duly qualified voter of the party who is willing to take an oath when challenged that he voted for a majority of the candidates of that party at the last general election.	Law of 1911 provided for election on 2d Sat. of April, and provided only for a vote for dist. delegates. Del. at large elected by state convention. No statement of pledge or preference. Amended in 1913.
Delegates held bound to vote for popular choice three times in the convention. Candidates proposed by the convention or by the dissenting group appear in columns headed by a slogan and a principle.	Must be a legal precinct voter and be willing, if challenged, to declare on oath his allegiance to the party.	Law of 1909 provided for election of delegates at large and by districts. No preference vote. The law as given here is the famous Richards Law first passed in 1912, repealed in 1915, and re-enacted by popular initiative in 1917. Provided for joint debates between the prestl. candidates, and for publicity pamphlet. These provisions repealed, 1921. Laws, ch. 329. Amendment to change date to 4th Tues. in April defeated by referendum vote, Nov., 1924.
Delegates file statement saying whether or not they will support popular choice for Prest.	Anyone duly registered who signs his name in a party book and declares he is a member of that party.	According to the 1915 law, date was 1st Tues. in June.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>Wisconsin</i> Compiled Sta- tutes, 1923, secs. 5, and 22 ff. Laws, 1905, ch. 369. Laws, 1911, ch. 300. Laws, 1915, ch. 381.	1st Tuesday in April. (Same as local elections. State primary in Sept.)	Prest. and Del. at large: Petition signed by 1% of party voters at last preceding pres- idential elec- tion, in at least 6 counties, the aggregate to be not less than 1% nor more than 10% of the total party vote. District del.: 2% of the voters in at least ½ of the counties and in the ag- gregate, not less than 2% nor more than 10% of the total vote in that district. Must be filed 35 days before the primary, but petitions must not be circu- lated prior to 60 days before the filing date.	Prest. Vice-prest. Delegates at large. District del- egates.

I. MANDATORY PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Nomination papers and ballot may contain a statement of the delegate's principles, or the prestl. candidate whom he favors.	Any qualified voter. Each voter given ballots of all parties.	1905 law provided for direct election of all delegates. The 1911 law provided for a presidential preference and a statement from the delegates of the candidate favored.

II. OPTIONAL PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>Florida</i> Rev. Statutes 1920, secs. 303, 320, 324, 326, 332, 344.	1st Tuesday after 1st Mon- day in June. (Same as com- pulsory state primary.)	Affidavit cer- tifying candidate has paid party assessments.	Pres. or Delegates or both.
<i>Georgia</i> Parks Annotated Code, 1914, and Supplement of 1922, secs. 127- 138.	Fixed by party authori- ties.	Regulated by party authori- ties.	Regulated by party authori- ties.

II. OPTIONAL PRESIDENTIAL PRIMARY LAWS IN OPERATION, 1924 (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
None.	Members of party who will swear that they did not vote for nominee of any other party at last general election, if challenged. Party executive committee may declare terms on which electors may become members of party.	Election of delegates and preference vote for Prest. optional with State Executive Committee.
None.	Payment of poll tax a prerequisite for voting.	
	Name must appear on registration list.	

III. PRESIDENTIAL PRIMARY LAWS REPEALED

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>Iowa</i>			
Laws, 1913, ch. 111.	2d. Mon. in April. (No other election at same time.	Dist. delegates: $\frac{1}{2}$ of the number for congressmen (2%).	Prest. Vice-prest. Delegates at large.
Laws, 1917, ch. 14.	State primary in June.)	Delegate at large: $\frac{1}{2}$ that for Senator (1%) of the party vote at the last election.	Dist. dels. Whether district delegates shall be instructed by vote of congressional district or vote of state at large.
<i>Minnesota</i>			
General Statutes, 1913, secs. 384 ff.	2d. Tues. in March. (Local election at same time.	Prest.: Petition signed by 2% of total vote for Prest. at last election, but not more than 500.	Prest. Vice-prest. Delegate at large.
Laws, 1913, ch. 449.	State primaries in June.)	Delegates: Declaration of intention and affidavit of party membership.	Dist. dels.
Laws, 1915, ch. 372.			
Laws, 1917, ch. 133.			
<i>Vermont</i>			
Laws, 1915, No. 4, secs. 26, 27.	3d. Tues. in May. (No other elections at same time.	Petition signed by 500 voters, filed not less than 21 days before primary.	Prest.
Laws, 1921, No. 9.	State primary in September.)	Must have consent of presidential candidate.	

III. PRESIDENTIAL PRIMARY LAWS REPEALED (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Vote for Prest. to ascertain sentiment of voters. Results certified to state party chairmen.	Registration and party enrollment. Enrollment may be changed by filing written request 10 days before primary.	Law passed 1913; repealed 1917.
Each candidate for delegate takes an oath before the primary to faithfully carry out wishes and preferences of the voters and specifying his choice for president from <i>among the presidential candidates</i> who have filed. Names of delegates arranged under name of prestl. candidates they prefer on the ballot.	Any qualified voter upon declaring name of his party, under oath, if requested.	Law passed 1913; repealed 1917.
None. Delegates elected at party conventions. Given statement of the preference vote for Prest.	All voters get the same ballot.	Passed 1915; submitted to voters and approved, March, 1916. Repealed, 1921.

IV. PRESIDENTIAL PRIMARY LAWS DECLARED UNCONSTITUTIONAL

STATE AND CITATION	DATE	HOW NAMES ARE PUT ON BALLOT	FOR WHOM A VOTE IS CAST
<i>Alabama</i> Code of 1923, secs. 685-687. Laws, 1923, no. 272.	2d Tuesday in March.	Declaration of candidacy filed before Jan. 1.	Prest.
<i>Texas</i> General Laws, 1913, ch. 46.	4th Tuesday in May.	Party state chairmen to certify names of all prestl. and vice-prestl. candidates. Delegates: by petition.	Prest. Vice-prest. Delegates at large. District.

IV. PRESIDENTIAL PRIMARY LAWS DECLARED UNCONSTITUTIONAL (*Continued*)

METHOD OF CONTROL	WHO MAY VOTE	REMARKS
Successful presidential candidate selects his own delegates.		Primary held only if a citizen of Alabama files. Declared unconstitutional by the Attorney General as violating sec. 190 of the Constitution providing that no primary law shall be made compulsory. Democrats held an unofficial primary, 1924, under provisions of the law.
The candidates for Prest. and Vice-prest. receiving the highest number of votes to be considered the choice of the voters.		Optional with parties polling less than 50,000 votes for Gov. at last general election. Second choices provided for. Declared unconstitutional in <i>Waples v. Marrast</i> , 108 Texas 5 (1916).

APPENDIX C

STATISTICAL TABLES

TABLE I. Vote Cast in the Presidential Primaries by Candidates and States, 1912-1924.

TABLE II. Comparison of Presidential Preference Votes and Votes Cast for Delegates at Large in those States where both are Provided, 1916-1924.

TABLE III. Comparison of the General Election Vote and the Vote Cast in the Presidential Primaries by States and Geographical Groups of States, 1912-1924.

TABLE IV. Ratio of the Presidential Primary Vote to the General Election Vote of the same Year, 1912-1924.

TABLE V. Comparison of the Vote Cast in the State Primaries and in the Presidential Primaries by States and Geographical Groups of States, 1912-1924.

TABLE VI. Ratio of the Presidential Primary Vote to the State Primary Vote of the same Year, 1912-1924.

EXPLANATORY NOTES

In those states where provision is made for both a preference vote and the election of delegates at large one is confronted by two sets of figures, either one of which might be used as the "presidential primary" vote. In some cases the size of the preference vote is considerably greater than the vote cast for delegates and in other cases the reverse is true. (See Table II for a comparison of the preference votes and the vote for delegates at large.) It would have been desirable to have taken whichever figures represented the most significant contest and to have used those throughout all of these tables as the "presidential primary" vote. Unfortunately, however, it is impossible in some cases to apportion the votes for delegates among the various presidential aspirants, as the delegates are not definitely pledged, and these figures would indicate nothing regarding the relative strength of the presidential aspirants. On the other hand there are numerous cases where the preference vote is insignificant and the vote for delegates a much fairer indication of the amount of popular interest displayed in the presidential primary.

Consequently in Table I, which is designed to show the relative strength of the various presidential aspirants in the primaries, the *preference* votes have been used exclusively (except where the law makes no provision for a preference vote, when the vote for delegates at large is used), while in Tables III, IV, V, and VI, which are designed to show the amount of popular interest in the presidential primaries, those figures are used which give the best idea of the number of voters participating in the presidential primary.

TABLE I
VOTE CAST IN THE PRESIDENTIAL PRIMARIES
BY CANDIDATES AND STATES
1912-1924

EXPLANATORY NOTES

This table is designed to show in detail the relative strength of various candidates in the presidential primaries. [See note, p. 234.]

In those states which cast a direct preference vote for president and also elect delegates to the convention who may or may not be pledged to various presidential candidates, the *preference vote* has been used. In the states which make no provision for a preference vote the average vote for delegates at large has been used. The average vote for delegates at large was obtained by taking the entire number of votes cast for all candidates for delegates at large and dividing it by the number of delegates elected by that party in that year.

TABLE I
VOTE CAST IN PRESIDENTIAL PRIMARIES BY CANDIDATES AND STATES
1912

	Republican					Democratic					Total Republican and Democratic	
States	Roosevelt	Taft	La Follette	Scattering	Total	Clark	Wilson	Harmon	Favor- ite Sons	Scat- tering	Total	
Cal.	138,563+	69,345	45,876		253,784	43,163+	17,214				60,377	314,161
Ill.	266,917	127,481	42,692		437,090	218,483+	75,527				294,010	731,100
Ind.					(a)						(a)	(a)
Ia.					(a)						(a)	(a)
Md.	29,124+	25,995			55,119	34,021+	21,490	7,070			62,581	117,700
Mass.	83,099	86,722+	2,058	99	171,978	34,575+	15,002			627	50,204	222,182
Mich.					(a)						(a)	(a)
Minn.					(a)						(a)	(a)
Mont.					(a)						(a)	(a)
Neb.	45,795	13,341	16,785	2,036	77,957	21,027+	14,289	12,454		3,499	51,269	129,226
N. H.					(a)						(a)	(a)
N. J.					(a)						(a)	(a)
N. Y.	61,297+	44,034	3,464		108,795	522 ^o	48,336+				48,858	157,653
N. C.					(f)						(f)	(f)
N. D.					(a)						(a)	(a)
Ohio	23,669	1,876	34,123+		59,668				9,357		9,357	69,025
Ore.	28,905+	20,517	22,491	14	71,927	2,428	85,084+	96,164+		2,440	186,116	186,116
Pa.	282,853	191,179 ^e			474,032 ^o	7,857	9,588+	606		49	18,100	90,027
S. D.	38,106+	19,960	10,944		69,010	4,275 ^d	98,000 ^g				98,000 ^e	572,032 ^e
Vt.					(a)		4,694+			4,377 ^d	13,346	82,356
W. Va.					(a)						(a)	(a)
Wis.	628	47,514	133,354	643	182,139	36,464	45,945+			148	82,557	264,696
Total	998,956	647,964	311,787	2,792	1,961,499	402,815	435,169	116,294	9,357	11,140	974,775	2,936,274

^a Law not in effect that year.

^b Figures not available.

^c Name not on ballot.

^d No presidential preference. Three sets of delegates ran—one labelled "Wilson-Bryan" which came out openly for Wilson; one "Wilson-Clark-Bryan" which became identified with Clark; one Champ Clark which was accused by the Clark people of being a scheme to split the Clark vote. The "Wilson-Clark-Bryan" list polled 4,275 and the Champ Clark list 2,722. The delegates were given to Wilson by the convention.

^e Unofficial figures. ^f Law optional in that year. Republicans elected pledged delegates but figures are not available.

VOTE CAST IN PRESIDENTIAL PRIMARIES BY CANDIDATES AND STATES

1916

States	Republican				Democratic			Total Republican and Democratic
	Hughes	Cummins	Ford	Roosevelt	Favorite Sons	Un- pledged	Scatter- ing	Total
Cal.						236,277		75,085
Ill.				15,348 ^a	155,945		1,689	137,058
Ind.					176,078			160,423
Ia.		40,257						31,447
Md.				45,117 ^e		60,462 ^e		19,580
Mass.			83,057		92,237 ^e			84,972
Mich.								45,136
Minn.		54,214					16,403	17,960
Mont.		10,415					1,173	11,588
Neb.	15,837 ^a	29,850	26,884	2,256 ^a		9,687	13,780 ^d	69,506
N. H.								9,687
N. J.	383 ^a			1,076 ^a				1,459
N. Y.						147,038		25,407
N. C.								112,538
N. D.								(g)
Ohio	469 ^a		1,683 ^a	1,032 ^a	122,165		33,225 ^f	12,341
Ore.	56,764	27,558					14,428	82,688
Pa.	1,804 ^a		20,265 ^a	12,359 ^a	233,095		10,593	27,898
S. D.		29,656					2,682	142,202
Vt.				1,931 ^a			29,656	10,341
W. Va.	5,480 ^a						7,834	3,711
Wis.					110,052		(b)	23
Total	80,737	191,950	131,889	80,019	889,572	453,464	1,347	109,462
								1,187,691
								3,111,065

^a Names not on ballot.

^b Figures not available.

^c No presidential preference vote but one set of delegates at large was for Roosevelt and the other set unpledged.

^d Including 8,132 for Estabrook and 5,506 for Robert G. Ross.

^e William Alden Smith 77,872; Wm. O. Simpson, 14,365.

^f La Follette and Estabrook.

^g No names entered and no primary held.

Ca. figures in Holland, Dist. Primary in Georgia, p. 99

TABLE I (Continued)

1920

VOTE CAST IN PRESIDENTIAL PRIMARIES BY CANDIDATES AND STATES

Republican

States	Wood	Johnson	Lowden	Hoover	Harding	Un-pledged	Scatter-ing	Total
	14	12	6	5	2			
Cal.		369,853		209,009				578,862
Ill.	156,719	64,201	236,802	3,401 ^e			2,674	463,797
Ind.	85,708	79,840	39,627		20,782			225,957
Ia.								(^a)
Md.	15,900	8,059						23,959
Mass.						93,356		93,356
Mich.	112,568	156,939	62,418	52,503			24,729	409,157
Minn.								(^a)
Mont.	6,804	21,034	6,503	5,076	723			40,140
Neb.	42,385	63,161					31,101 ^f	136,647
N. H.	8,591 ^e	2,000 ^e				5,604		16,195
N. J.	52,909	51,685		900				105,494
N. Y.						199,149		199,149
N. C.	5,603	15,375						20,978
N. D.	987 ^e	30,573	265 ^e					31,825
Ohio	108,565	16,783 ^e		10,467 ^e	123,257			259,072
Ore.	43,770	46,163	15,581	14,557				120,071
Pa.	3,878 ^e	10,869 ^e		2,825 ^e			261,900 ^g	279,472
S. D.	31,265	26,301	26,981				1,144	85,691
Vt.	3,451	402 ^e	29 ^e	564 ^e			777	5,223
W. Va.	27,255						33,849 ^h	61,104 ⁱ
Wis.	4,505 ^e	2,413 ^e	921 ^e	3,910 ^e			18,350	30,099 ^d
Total	710,863	965,651	389,127	303,212	144,762	298,109	374,524	3,186,248

^a Law not in effect that year.^b No names entered and no preference vote recorded.^c Names not on ballot.^d No names entered for presidential preference. The real contest lay between two lists of delegates, one headed by La Follette and the other by Philipp.^e In New Hampshire there is no preference vote; the figures given are for the delegates at large favoring those candidates.^f Including 27,669 for Pershing and 1,698 for Robert G. Ross.^g The name of Edward Randolph Wood, a local man, was the only one appearing on the ballot and he received 257,841 votes.

TABLE I (Continued)

1920

VOTE CAST IN PRESIDENTIAL PRIMARIES BY CANDIDATES AND STATES

Democratic								Total Republican and Democratic
States	Cox	McAdoo	Edwards	Favorite Sons	Un- pledged	Scatter- ing	Total	
Cal.					23,831 ⁱ		23,831	602,693
Ill.	266 ^c	3,838 ^c	6,933 ^c			10,418	21,455	485,252
Ind.							(b)	225,957
Ia.							(a)	(a)
Md.							(b)	23,959
Mass.					21,226		21,226	114,582
Mich.		18,665	16,642			53,187 ¹	88,494	497,651
Minn.							(a)	(a)
Mont.						2,994 ^c	2,994	43,134
Neb.				55,682 ¹			55,682	192,329
N. H.					7,103 ^h		7,103	23,298
N. J.		180 ^c	4,163			213	4,556 ^c	110,050
N. Y.					113,300		113,300	312,449
N. C.							(b)	20,978
N. D.		49 ^c				340 ^c	389 ^c	32,214
Ohio	85,838	292 ^c				1,647	87,777	346,849
Ore.		24,951				361	25,312	145,383
Pa.		26,875	674 ^c	80,356		1,132	109,037	388,509
S. D.						6,612	6,612	92,303
Vt.	14 ^c	137 ^c	58 ^c			227	436 ^c	5,659
W. Va.							(b)	61,104
Wis.	76 ^c					3,391	3,467	33,566
Total	86,194	74,987	28,470	136,038	165,460	80,522	571,671	3,757,919

^a Although all delegates were unpledged, the organization of Durbie group was understood to be for Hoover. The highest Hoover delegate received 3,714 votes.

¹ Including 37,452 for Hitchcock and 13,179 for Robert G. Ross.

^j Unofficial figures.

^k Most of these were for Sutherland.

^l Including 11,187 for Palmer.

Re. from Ohio - Wilson 51,977

Smith 45,568

Re. figures in Holland, Direct Primary in Virginia, p. 10.

TABLE I (Continued)

VOTE CAST IN PRESIDENTIAL PRIMARIES BY CANDIDATES AND STATES

1924

States	Republican				Democratic				Total Republican and Democratic			
	Coolidge	Johnson	La Fol- lette	Un- pledged	Scatter- ing	Total	McAdoo	Smith		Favorite Sons	Un- pledged	Scatter- ing
Cal.	310,618	261,566				572,184	110,235			18,586		128,821
Ill.	533,193	385,590	278 ^c		21	919,082	180,544	235 ^c	1,574		150	182,503
Ind.	330,045	62,603				392,648						(^e)
Ia.				1,326		(^a)						(^e)
Mo.	19,657	3 ^e				20,986						(^e)
Mass.	84,840					84,840				30,341 ^b		30,341
Mich.	236,191	103,739			11,312	351,242			90,595		435	91,030
Minn.						(^a)						(^a)
Mont.	19,200					19,200	10,058					10,058
Neb.	79,676	45,032			627	125,335	9,342 ^c	700 ^c	1,497 ^c		4,771 ^c	16,310
N. H.	17,170					17,170				6,687		6,687
N. J.	111,739	13,626				125,365	69 ^c	721 ^c	35,601		38	36,429
N. Y.						(^f)						(^f)
N. C.						(^e)						(^e)
N. D.	52,815	32,363	40,252			125,430	11,273					11,273
Ohio	173,613	27,578				201,191	29,267					103,450
Ore.	99,187	30,042				129,229	33,664		74,183 ^(cat)			304,641
Pa.	117,262 ^c	4,345 ^c	1,224 ^c		10,523	133,354 ^c	10,376 ^c	9,029 ^c			4,341 ^c	33,664
S. D.	39,791	40,935 ⁺				80,726	6,983 ^e			2,040 ^e		23,746 ^c
Vt.						(^a)						9,023
W. Va.	162,042				688	162,042						(^e)
Wis.	23,324 ^c	411 ^c	40,738 ^c			65,161 ^d	54,922	5,774 ^c			19,827 ^d	80,523 ^d
Total	2,410,363	1,007,833	82,492	1,326	23,171	3,525,185	456,733	16,459	203,450	57,654	29,562	763,858

^a Law not in effect that year.^b No presidential preference vote provided for. There were nine candidates for the eight places as delegates at large, one of whom announced his preference for Governor Smith during the campaign and received the second highest number of votes.^c Names not on ballot; vote given is either a "write in" or a "sticker" vote.^d In Wisconsin the real contest in the Republican primary was between two lists of delegates, one favoring Smith and the other favoring McAdoo.^e In the Democratic primary the real contest lay between two lists of delegates, one led by La Follette and one by Philipp.^f No names entered and no presidential preference vote taken.^g No presidential preference vote and no election of delegates at large, hence no available figures.^h No presidential preference vote, as McAdoo's was the only name entered, but a well-defined contest between "McAdoo" and "anti-McAdoo" lists of delegates. Figures given are average votes cast for these lists.

53266 (underlined)

96,840

Ala. Tribune, 3/12/24, p. 141

TABLE II

COMPARISON OF PRESIDENTIAL PREFERENCE
VOTES AND VOTES CAST FOR DELEGATES
AT LARGE IN THOSE STATES WHERE
BOTH ARE PROVIDED,
1916-1924

EXPLANATORY NOTE

The 1912 figures are omitted from this table because in that year only five states provided for both a preference vote and the direct election of delegates.

TABLE II

COMPARISON OF PRESIDENTIAL PREFERENCE VOTES AND VOTES CAST FOR DELEGATES AT LARGE IN THOSE STATES WHERE BOTH ARE PROVIDED, 1916-1924

1916

States	<i>Republican</i>		<i>Democratic</i>		<i>Total Republican and Democratic</i>	
	Presidential Preference	Delegates at Large	Presidential Preference	Delegates at Large	Presidential Preference	Delegates at Large
Ill.	172,982	156,326	137,058	143,972	310,040	300,298
Iowa.	40,257	42,721 ^b	31,447	28,512	71,704	71,233
Minn.		(b)		(b)		(b)
Mont.	11,588	14,397	17,960	15,445	29,548	29,842
Neb.	88,607	77,914	79,250	69,484	167,857	147,398
N. J.	1,459 ^d	41,155	25,407	28,204	26,866	69,359
N. D.	33,225	22,282	12,341	11,188	45,566	33,470
Ohio	140,677	116,476	85,103	68,124	225,780	184,600
Ore.	94,915	94,593	27,898	25,668	122,813	120,261
Pa.	270,205	381,548	144,041	104,108	414,246	485,656
S. D.	29,656	38,441	10,341	12,037	39,997	50,478
W. Va.	(b)	(b)	(b)	(b)	(b)	(b)
Wis.	111,399	130,934	109,693	82,820	221,092	213,754

1920

States	<i>Republican</i>		<i>Democratic</i>		<i>Total Republican and Democratic</i>	
	Presidential Preference	Delegates at Large	Presidential Preference	Delegates at Large	Presidential Preference	Delegates at Large
Ill.	(c)	(c)		(c)		(c)
Iowa	(a)	(a)	(a)	(a)	(a)	(a)
Minn.	(a)	(a)	(a)	(a)	(a)	(a)
Mont.	40,140	35,922	2,994 ^d	10,143	43,134	46,065
Neb.	136,647	119,380	55,682	67,834	192,329	187,214
N. J.	105,494	104,016	4,556 ^d	38,894	110,050	142,910
N. D.	31,825	40,120	389 ^d	6,568	32,214	46,688
Ohio	259,072	172,803	87,777	66,372	346,849	239,175
Ore.	120,071	102,794	25,312	29,271	145,383	132,065
Pa.	279,472	387,082	109,037	100,241	388,509	487,323
S. D.	85,691	46,093	6,612	6,172	92,303	52,265
W. Va.		(b)	(b)	(b)	(b)	(b)
Wis.	30,099 ^d	191,939	3,467	39,126	33,566	231,065

^a Law not in effect that year.^b Figures not available.^c Delegates at large not elected in that year.^d No names filed for presidential preference.

TABLE II (Continued)

COMPARISON OF PRESIDENTIAL PREFERENCE VOTES AND VOTES CAST FOR DELEGATES AT LARGE IN THOSE STATES WHERE BOTH ARE PROVIDED, 1916-1924

1924

States	<i>Republican</i>		<i>Democratic</i>		<i>Total Republican and Democratic</i>	
	Presidential Preference	Delegates at Large	Presidential Preference	Delegates at Large	Presidential Preference	Delegates at Large
Ill.	919,082	687,212	180,544	265,090	1,101,585	952,212
Iowa	(a)	(a)	(a)	(a)	(a)	(a)
Minn.	(a)	(a)	(a)	(a)	(a)	(a)
Mont.	19,200	17,454	10,058	12,481	29,258	29,935
Neb.	125,335	99,813	16,310	52,582	141,645	152,395
N. J.	125,365	116,948	36,429	37,676	161,794	154,624
N. D.	125,430	104,656	11,273	12,410	136,703	117,066
Ohio	201,191	143,687	103,450	89,899	304,641	233,586
Ore.	129,229	110,818	33,664	34,265	162,893	145,083
Pa.	133,354	636,406	23,746	110,292	157,100	746,698
S. D.	80,726	67,380	(d)	9,023	80,726	76,403
W. Va.	162,042	128,648	(d)	103,630	162,042	232,278
Wis.	65,161 ^d	242,424	80,523	94,560	145,684	336,984

^{a-d} For footnotes see preceding page.

TABLE III

COMPARISON OF THE GENERAL ELECTION VOTE AND THE VOTE CAST IN THE PRESIDEN- TIAL PRIMARIES BY STATES AND GEOGRAPHICAL GROUPS OF STATES, 1912-1924

EXPLANATORY NOTES

In this table an effort has been made to compare the voting strength of the presidential primary to the voting strength of the general election. For this reason where the average vote for delegates at large is more significant it has been used in place of the presidential preference vote, which explains why the presidential primary figures in this table are not always identical with those used in Table I. Wherever the average vote for delegates at large has been substituted for the presidential preference vote that fact has been indicated in the footnotes.

The "general election" vote is the highest vote cast for Republican and Democratic presidential electors in the November election. In 1912 the general election vote given as "Republican" is the combined Republican and *Progressive* vote, the Roosevelt strength of that year having been made up almost entirely of former Republicans who might have participated in the presidential primaries of the Republican party. (See, Robinson: *Evolution of American Parties*, p. 324, and Holcombe: *The Political Parties of Today*, pp. 275-276.) In 1924 the La Follette vote forms a more disturbing factor as his strength was apparently made up of former Republicans, Democrats and Socialists, but in what proportions it is impossible to say until that vote has been analyzed. The La Follette vote cannot be apportioned among the parties, at the same time it would be misleading to ignore it. Accordingly, for 1924 the Republican "General Election" vote is the Coolidge vote, and the Demo-

cratic "General Election" vote is that cast for the Davis electors, but under "Total Republican and Democratic" the Coolidge and Davis vote is given in one column and the combined Coolidge, Davis and La Follette vote is given in a second column.

In many states women could not vote in the presidential primaries of 1920 but could vote in the general election of that year. It was therefore impossible to use the presidential primary figures as they stood and the primary figures have been increased in order to make them comparable. In doing this the Illinois general election figures of 1920 have been used as a basis, the votes of men and women having been recorded separately in that state in that year. In that election the women's vote was 39 per cent. of the total, and accordingly the presidential primary figures have been increased in that proportion. (See Illinois, Secretary of State: *Official Vote for 1920*, p. 10.) Wherever the figures have been adjusted in this way that fact has been indicated in the footnotes.

TABLE III

COMPARISON OF THE VOTE CAST IN THE PRESIDENTIAL PRIMARIES AND THE GENERAL ELECTION OF THE SAME YEAR, 1912-1924

Republican

States	1912		1916		1920		1924	
	Presidential Primary	General Election	Presidential Primary	General Election	Presidential Primary	General Election	Presidential Primary	General Election
ALL STATES	1,962,489	2,790,864	2,105,542	5,655,161	4,378,558	11,223,046	4,205,500	9,210,859
NORTH EAST	754,805	1,250,675	692,841	2,194,629	1,194,803	4,545,485	863,781	2,879,605
Mass.	171,978	298,176	105,579	268,784	153,042 ^g	681,153	84,840	703,467
N. H.	(^a)		9,687	43,724	26,549 ^g	95,196	17,170	98,575
N. J.	108,795	234,245	41,155 ^f	268,982	172,941 ^g	611,541	125,365	676,082
N. Y.	(^a)		147,038	869,066	199,149	1,871,167	(^h)	
Pa.	474,032	718,254	381,548 ^f	703,823	634,560 ^g	1,218,216	636,406 ^f	1,401,481
Vt.	(^a)		7,834	40,250	8,562 ^g	68,212	(^a)	
CENTER	619,229	833,115	906,839	2,568,994	1,982,737	4,360,313	2,106,587	4,515,423
Ill.	437,090	640,071	172,082	693,334 ^j	463,797	1,420,480	919,082	1,453,321
Ind.	(^a)		170,078	341,005	379,421 ^g	696,370	392,648	703,042
Ia.	(^a)		46,257	280,439	(^a)		(^a)	
Mich.	(^a)		175,294	339,097	400,157	762,865	351,242	871,316
Minn.	(^a)		70,617	179,544	(^a)		(^a)	
Ohio	(^e)		140,677	514,753	424,708 ^g	1,182,022	201,191	1,176,130
Wis.	182,139	193,044	139,934 ^f	220,822	314,654 ^g	498,576	242,424 ^f	311,614
WEST	533,346	594,329	505,862	801,538	1,027,181	1,396,276	1,082,101	1,361,782
Cal.	253,784	287,524	236,277	462,516	578,862	624,002	572,184	733,250
Mont.	(^a)		14,397 ^f	66,750	40,140	109,430	19,200	74,138
Neb.	78,957	126,905	88,607	117,771	136,647	247,498	125,335	218,585
N. D.	59,668	48,816	33,225	53,471	65,770 ^g	160,072	125,430	94,931
Ore.	71,027	72,273	91,915	126,813	120,071	143,592	129,229	142,579
S. D.	69,010	58,811	38,441 ^f	64,217	85,691	110,692	80,726	101,209
SOUTH	55,109	112,745			173,837	759,072	183,028	451,049
Md.	55,109	112,745	(^b)		39,277 ^g	236,117	20,986	162,414
N. C.	(^a)		(^b)		34,390 ^g	232,848	(^b)	
W. Va.	(^a)		(^c)		100,170 ^g	282,007	162,042	288,635

^a No primary held.^b Law not in effect that year.^c Law optional in that year.^d Law provided for election of district delegates only.^e General Election vote includes Democratic figures only.^f See following page.^g Figures not available.^h Figures are not available.ⁱ Unofficial preference vote provided for by Democratic State Committee.^j Total

TABLE III (Continued)

COMPARISON OF THE VOTE CAST IN THE PRESIDENTIAL PRIMARIES AND THE GENERAL ELECTION OF THE SAME YEAR, 1912-1924

Democratic

	1912		1916		1920		1924	
	Presidential Primary	General Election	Presidential Primary	General Election	Presidential Primary	General Election	Presidential Primary	General Election
ALL STATES	997,263	2,371,243	1,187,691	5,251,419	895,448	4,123,066	1,119,248	3,452,696
NORTH EAST	219,550	748,134	310,984	1,806,606	402,963	1,902,212	184,996	1,045,204
Mass.	50,204	174,208	19,580	247,883	34,796	276,691	30,341	286,798
N. H.	(a)		5,684	43,787	11,644	62,662	6,687	57,201
N. J.	71,346	178,289	25,407	211,018	63,700	256,887	37,676	298,013
N. Y.	(d)		112,538	759,426	113,300	781,238	(b)	
Pa.	98,000	395,637	144,041	521,784	175,749	593,843	110,292	409,192
Vt.	(a)		3,734	22,708	714	20,891	(a)	
CENTER	562,683	992,430	653,832	2,384,150	317,986	1,661,304	581,040	1,766,925
Ill.	294,010	405,048	137,058	566,937	21,455	534,395	265,000	576,975
Ind.	(a)		160,423	334,063	(b)		(b)	492,245
Ia.	(a)		31,447	221,699	(a)		(a)	
Mich.	(a)		84,972	286,775	88,494	233,450	91,030	151,707
Minn.	(a)		45,136	179,152	(a)		(a)	
Ohio	186,116	423,152	85,103	604,161	143,896	780,037	130,450	477,888
Wis.	82,557	164,230	109,593	101,363	64,141	113,422	94,560	68,110
WEST	152,449	518,005	222,875	1,060,663	144,499	559,550	249,582	383,335
Cal.	60,377	283,436	75,085	466,289	23,831	229,191	128,821	105,514
Mont.	(a)		17,960	101,063	10,143	57,372	12,481	31,871
Neb.	51,269	109,008	79,250	258,827	67,834	119,608	52,582	137,289
N. D.	9,357	29,555	12,341	55,206	10,767	37,422	12,410	13,858
Ore.	18,100	47,064	27,898	120,087	25,312	80,019	34,265	67,589
S. D.	13,346	48,942	19,341	59,191	6,612	35,938	9,023	27,214
SOUTH	62,581	112,674					103,630	257,232
Md.	62,581	112,674	(b)		(b)		(b)	
N. C.	(a)		(b)		(b)		(b)	
W. Va.	(a)		(c)		(c)		103,630	257,232

a-e See preceding page.

f Used vote of delegates at large instead of presidential preference vote because more significant.

g Women voted in the general election but not in the primary; the vote in the primary has been increased on the basis of the 1920 Illinois general election vote to give comparable figures. (See explanatory notes preceding this table.)

h Only district delegates were elected, therefore no statewide figures available.

i Figures omitted because no primary was held in one or both parties.

j Women's votes omitted as women did not vote in the presidential primary in that year.

TABLE III (Continued)

COMPARISON OF THE VOTE CAST IN THE PRESIDENTIAL PRIMARIES AND THE GENERAL ELECTION OF THE SAME YEAR, 1912-1924

Total Republican and Democratic

	1912			1916			1920			1924		
	Presidential Primary	General Election	Presidential Primary	Presidential Primary	General Election	Presidential Primary	Presidential Primary	General Election	Presidential Primary	Coolidge and Davis	Coolidge, Davis and La Follette	
ALL STATES	2,959,752	5,162,107	3,293,233	1,003,825	4,001,235	1,597,766	4,699,748	13,928,770	4,911,114	11,395,854	14,100,427	
NORTH EAST	974,355	1,998,869	1,003,825		516,667	187,838		6,447,697	1,048,777	3,924,800	4,401,681	
Mass.	222,182	472,384	125,159		87,511	38,193		957,844	115,181	984,265	1,125,549	
N. H.	(a)		15,371		87,511	38,193		157,858	23,857	155,776	164,769	
N. J.	180,141	412,534	66,562		480,000	236,701		868,428	103,041	974,095	1,083,123	
N. Y.	(d)		259,576		1,628,492	312,449		2,652,405	(b)			
Pa.	572,032	1,113,891	525,589		1,223,607	813,309		1,722,059	746,698	1,810,673	2,118,240	
Vt.	(a)		11,568		62,958	9,276		89,103	(a)			
CENTER	1,181,912	1,825,545	1,560,671		4,953,144	1,930,302		5,525,247	2,294,979	5,087,061	6,451,904	
Ill.	731,100	1,045,119	310,040		1,260,271	485,252		1,954,875	1,184,082	2,030,296	2,462,323	
Ind.	(a)		336,501		675,068	(1)		(1)	(1)	(1)	(1)	
Ia.	(a)		71,704		502,138	(a)			(a)			
Mich.	(a)		260,266		625,872	497,651		996,315	442,272	1,023,023	1,144,213	
Minn.	(a)		115,753		338,096	(a)			(a)			
Ohio	186,116	423,152	225,780		1,118,914	568,604		1,962,059	331,641	1,654,018	2,011,966	
Wis.	264,696	357,274	240,627		412,185	378,795		611,998	336,984	379,724	833,402	
WEST	685,705	1,112,334	728,737		1,952,201	1,171,680		1,955,826	1,301,086	1,748,117	2,574,252	
Cal.	314,161	570,960	311,362		928,805	602,693		854,183	701,005	838,764	1,263,413	
Mont.	(a)		32,357		167,813	50,283		166,802	31,681	106,009	167,114	
Neb.	130,226	345,913	167,857		376,598	204,481		367,106	177,917	355,874	462,575	
N. D.	69,025	78,371	45,566		108,677	76,537		197,494	137,840	108,780	198,711	
Ore.	90,027	119,337	122,813		246,900	145,383		223,611	163,494	210,168	278,571	
S. D.	82,356	107,753	48,782		123,408	92,303		140,630	89,749	128,513	203,868	
SOUTH	117,690	225,419							265,672	545,867	582,590	
Md.	117,690	225,419	(1)		(1)	(1)		(1)	(1)	(1)	(1)	
N. C.	(a)		(1)		(1)	(1)		(1)	(1)	(1)	(1)	
W. Va.	(a)		(e)		(1)	(1)		(1)	265,672	545,867	582,590	

a-j For all footnotes see two preceding pages.

TABLE IV
RATIO OF THE PRESIDENTIAL PRIMARY VOTE
TO THE GENERAL ELECTION VOTE OF
THE SAME YEAR, 1912-1924

EXPLANATORY NOTES

The ratios used in this table are based upon the figures given in Table III, using the general election figures as a base.

The average given for each state is the arithmetic mean of the percentages for 1912, 1916, and 1920.

In 1924 the La Follette vote is so disturbing a factor that no comparable ratios can be given for the Republican and Democratic vote of 1924 and no 1924 ratios have been used in computing the averages. However, under "Total" two sets of ratios are given for 1924, one using the Coolidge and Davis vote as a base, the other based upon the combined Coolidge, Davis and La Follette vote.

TABLE IV

RATIO OF THE PRESIDENTIAL PRIMARY VOTE TO THE
GENERAL ELECTION VOTE OF THE SAME YEAR,
1912-1924

	<i>Republican</i>				<i>Democratic</i>			
	1912	1916	1920	Ave. ^a	1912	1916	1920	Ave. ^a
ALL STATES	70.3	37.2	38.9	48.8	41.8	22.6	21.0	28.5
NORTH EAST	60.3	31.6	26.2	39.3	29.3	17.2	21.5	22.7
Mass.	57.6	39.3	22.5	39.8	28.8	7.9	12.6	16.4
N. H.	(^a)	22.1	27.8	24.9	(^a)	13.0	18.6	15.8
N. J.	46.4	15.3	28.2	29.9	40.0	12.0	24.8	25.6
N. Y.	(^c)	16.9	10.6	13.7	(^a)	14.7	14.5	14.6
Pa.	66.0	54.2	52.0	57.4	24.8	27.6	35.4	29.2
Vt.	(^a)	19.4	12.5	15.9	(^a)	16.4	3.4	9.9
CENTER	74.6	35.6	43.4	51.2	56.6	27.4	19.1	34.4
Ill.	68.3	24.9	32.6	41.9	72.5	24.2	4.0	33.5
Ind.	(^a)	51.6	53.2	52.4	(^a)	48.0	(^b)	48.0
Ia.	(^a)	14.4	(^a)	14.4	(^a)	14.2	(^a)	14.2
Mich.	(^a)	51.7	53.6	52.6	(^a)	29.6	37.9	33.7
Minn.	(^a)	39.3	(^a)	39.9	(^a)	25.2	(^a)	25.2
Ohio	(^a)	27.4	35.8	31.6	44.0	14.1	18.4	25.5
Wis.	94.3	59.2	63.1	72.2	50.3	57.3	56.6	54.7
WEST	89.7	57.3	73.5	73.5	29.4	21.0	25.9	25.4
Cal.	88.2	51.1	92.8	77.3	21.3	16.1	13.4	16.9
Mont.	(^a)	21.6	36.7	29.1	(^a)	17.8	17.7	17.7
Neb.	62.2	75.3	55.1	64.2	47.0	30.6	56.7	44.8
N. D.	122.2	62.2	41.1	75.1	31.7	22.3	28.8	27.6
Ore.	99.5	74.9	83.6	86.0	38.5	23.2	31.6	31.1
S. D.	117.2	59.6	77.5	84.7	27.3	17.5	18.4	21.0
SOUTH	40.2		23.1	36.1	55.5			52.2
Md.	49.2	(^b)	16.6	32.8	55.5	(^b)	(^b)	
N. C.	(^a)	(^b)	14.7	14.7	(^a)	(^b)	(^b)	
W. Va.	(^a)	(^c)	35.5	35.5	(^a)	(^c)	(^c)	

^a Law not in effect that year.

^b No primary held.

^c Figures not available.

^{d-g} See following page.

TABLE IV

RATIO OF THE PRESIDENTIAL PRIMARY VOTE TO THE
GENERAL ELECTION VOTE OF THE SAME YEAR,
1912-1924 (*Continued*)

	<i>Total</i>					
	1912	1916	1920	Ave. [†]	1924 Coolidge and Davis	1924 Coolidge, Davis and La Follette
ALL STATES	57.2	30.5	33.7	40.5	43.4	34.8
NORTH EAST	48.7	25.0	24.8	32.8	26.7	23.3
Mass.	47.1	24.2	19.6	30.3	11.7	10.2
N. H.	(^a)	17.0	24.2	20.1	15.3	14.5
N. J.	43.8	13.9	27.3	28.3	16.7	15.1
N. Y.	(^c)	15.9	11.7	13.8	(^g)	
Pa.	51.6	42.0	47.2	46.9	41.2	35.3
Vt.	(^a)	18.4	10.4	14.4	(^a)	
CENTER	64.7	31.5	35.0	43.7	45.1	34.0
Ill.	70.0	24.6	24.8	39.8	58.3	48.2
Ind.	(^a)	49.8	(^c)	49.8	(^c)	(^c)
Ia.	(^a)	14.3	(^a)	14.3	(^a)	
Mich.	(^a)	41.6	50.0	45.8	43.2	38.6
Minn.	(^a)	32.2	(^a)	32.2	(^a)	
Ohio	44.0 ^d	20.2	29.0	31.1	20.0	16.4
Wis.	74.1	58.4	61.9	64.8	88.7	40.4
WEST	62.2	37.5	59.9	53.2	74.5	50.5
Cal.	55.1	33.5	70.5	53.0	83.6	55.5
Mont.	(^a)	19.2	30.2	24.7	29.8	18.9
Neb.	53.2	44.5	55.7	51.1	50.0	38.4
N. D.	88.2	42.0	38.7	56.3	126.7	69.4
Ore.	75.4	49.6	65.2	63.4	77.7	58.6
S. D.	76.5	39.5	62.9	59.6	69.8	44.0
SOUTH			52.2		48.5	45.5
Md.	52.2	(^c)	(^c)	52.2	(^c)	(^c)
N. C.	(^a)	(^c)	(^c)		(^c)	(^c)
W. Va.	(^a)	(^c)	(^c)		48.5	45.5

^{a-c} See preceding page.

^d No provision for preference vote in Republican party; Democratic figures only.

^e Omitted because no primary was held in one or both parties.

[†] The average is the arithmetic mean of the ratios for 1912, 1916, and 1920.

^g No preference vote and no vote for delegates at large so no figures available.

TABLE V

COMPARISON OF THE VOTE CAST IN THE STATE
PRIMARIES AND IN THE PRESIDENTIAL
PRIMARIES BY STATES AND GEO-
GRAPHICAL GROUPS OF
STATES, 1912-1924

EXPLANATORY NOTES

The "state primary vote" is the vote cast for candidates for the gubernatorial nomination, where a governor was nominated in that year, otherwise the vote for United States senator. In a few cases there were no comparable figures for the same year and it has been necessary to use the vote for governor in a different year. Where this has been done it is indicated in the footnotes.

In order to get an accurate idea of the voting strength in the presidential primaries the average vote for delegates at large has been used where that vote was more significant than the presidential preference vote. Where this has been done that fact has been indicated in the footnotes.

In a few states women voted in the state primaries in 1920 but not in the presidential primaries. In those cases the presidential primary vote has been adjusted as in Table III. (See *note*, p. 245.)

TABLE V

COMPARISON OF THE VOTE CAST IN THE STATE PRIMARIES AND IN THE PRESIDENTIAL PRIMARIES BY STATES AND GEOGRAPHICAL GROUPS OF STATES, 1912-1924

Republican

States	1912		1916		1920		1924	
	Presidential	State	Presidential	State	Presidential	State	Presidential	State
ALL STATES	1,261,370	1,270,871	2,105,542	3,527,250	3,015,150	4,231,009	4,184,514	6,329,657
NORTH EAST	108,795	96,678	692,841	1,065,812	879,878	1,280,109	863,781	1,857,025
Mass.		(^c)	105,579	115,242	153,042 ^a	185,875	84,840	338,246
N. H.	(^a)		9,687	22,407	26,549 ^e	56,742	17,170	38,719
N. I.	108,795	96,678 ^f	47,155 ^f	177,539	105,494	168,770 ^j	125,365	431,744
N. Y.	(^b)		147,038	298,897	199,149	414,003	(^q)	
Pa.		(^c)	381,548 ^k	418,446 ^l	387,082 ^k	403,239 ^l	636,406 ^k	1,048,316
Vt.	(^a)		7,834	33,281	8,562 ^e	60,480	(^a)	
CENTER	619,229	521,074	906,839	1,776,942	1,672,637	2,115,907	2,106,587	3,186,636
Ill.	437,090	439,662	172,982	420,959	463,797	810,950	919,082	995,824
Ind.	(^a)		176,078	209,043	225,957	214,654	392,648	413,222
Iowa	(^a)		40,257	227,863	(^a)		(^a)	
Mich.	(^a)		175,294	284,866	409,157	362,223	351,242	792,131
Minn.	(^a)		70,617	179,077	(^a)		(^a)	
Ohio	(^a)		140,677	282,748	259,072	349,877	201,191	566,668
Wis.	182,439	81,412	130,934 ^k	172,386	314,654 ^{ef}	378,263	242,424 ^k	424,791
WEST	533,346	653,110	505,862	684,496	1,001,531	776,085	1,052,104	1,096,891
Cal.	253,784	378,191 ^k	236,277 ^k	324,325	578,862	327,145	572,184	547,963 ^a
Mont.	(^a)		14,397 ^k	49,128	40,140	52,868	19,200	72,506
Neb.	78,057	72,654	88,607	94,496	136,647	102,242	125,335	116,911
N. D.	59,668	57,503	33,225	75,369	40,120 ^k	113,296	125,430	150,327
Ore.	71,927	70,054	94,915	120,071	120,823	129,221	129,221	131,679
S. D.	69,010	74,717	38,441 ^k	53,878	85,691	77,711	80,726	77,505
SOUTH					61,104	49,848	162,042	180,105
Md.		(^c)	(^b)			(^c)		(^m)
N. C.	(^a)		(^b)			(^b)		
W. Va.	(^a)		(^c)		61,104	49,848	162,042	189,105

^a Law not in effect that year.^b No primary held.^c No Democratic figures available; Republican figures only used in totals.^d Women voted in the state primary but not in the presidential primary, consequently the presidential primary vote has been increased on the basis of the 1920 Illinois general election vote. (See Explanatory Note preceding Table III.)^e Used vote of delegates at large instead of presidential preference vote because more significant.^f No comparable figures in 1912; used vote for governor in 1914.^g No comparable figures in 1916; used vote for governor in 1918.^h Republican vote includes 121,573 cast for Johnson as Progressive.ⁱ See following page.^j Figures not available.

TABLE V (Continued)

COMPARISON OF THE VOTE CAST IN THE STATE PRIMARIES AND IN THE PRESIDENTIAL PRIMARIES BY STATES AND GEOGRAPHICAL GROUPS OF STATES, 1912-1924

Democratic

States	1912			1916			1920			1924		
	Presidential	State	Presidential	Presidential	State	Presidential	Presidential	State	Presidential	State	Presidential	State
ALL STATES	600,302	710,172	1,187,691	1,593,890		710,552	1,078,895		1,119,248		1,493,461	
NORTH EAST	71,346	115,529	310,984	487,762		308,385	488,732		184,996		474,288	
Mass		(c)	19,580	81,042		34,796 ^e	76,116		30,341		125,966	
N. H.	(a)		5,684	7,834		11,644 ^e	11,287		6,687		9,442 ¹	
N. J.	71,346 ^f	115,529 ¹	25,407	98,607		38,894 ^f	104,968 ¹		37,676 ^f		114,923 ¹	
N. Y.	(p)		112,538	158,718		113,300	166,028 ¹		(q)			
Pa.		(c)	144,041	134,988		109,037	126,915		110,292 ^f		224,857	
Vt.	(a)		3,734	6,563		714 ^e	3,418		(a)			
CENTER	376,567	383,918	653,832	866,618		261,867	356,267		581,040		578,829	
Ill.	294,010	299,346	137,058	238,507		21,455	180,544		265,000 ^f		304,401	
Ind.	(a)		160,423	159,737		(b)			(b)			
Iowa	(a)		31,447	74,791		(a)			(a)			
Mich.	(a)		84,972	30,040 ¹		88,494	22,379 ¹		91,030		27,851 ¹	
Minn.	(a)		45,136	38,480		(a)			(a)			
Ohio	(a)		85,103	188,343		87,777	130,909		130,450		225,230	
Wis.	82,557	84,572	109,693	136,720 ^k		64,141 ^{e,f}	22,435 ¹		94,560 ^f		21,347 ¹	
WEST	152,449	210,725	222,875	239,510		140,300	233,866		249,582		293,102	
Cal.	60,377	121,796 ^g	75,085	77,830		23,831	75,613 ¹		128,821		121,229 ⁿ	
Mont.	(a)		17,960	40,001		10,143 ^f	57,444		12,481 ^f		39,609	
Neb.	51,569	48,344	79,250	79,716		67,834 ^f	52,568		52,582 ^f		72,372	
N. D.	9,357	10,060	12,341	11,420		6,568 ^f	7,920		12,410 ^f		11,264	
Ore.	18,100	17,706	27,898	18,300 ^h		25,312	33,050		34,265 ^f		38,249	
S. D.	13,346	12,819	10,341	12,243		6,612	7,301		9,023 ^f		19,379	
SOUTH												
Md.	(a)	(c)	(b)			(c)	(c)		(m)			
N. C.	(a)		(b)			(b)	(b)		(b)			
W. Va.	(a)		(c)			(c)			103,630		147,242	

a-h See preceding page.

i No comparable figures in 1912; used vote for Governor in 1913. j No comparable figures in 1920; used vote for Governor in 1916.

k No contest for Governor; used vote for Secretary of State. l No contest.

n No comparable figures in 1924; used primary vote for Governor in 1922.

p Law optional in that year. Republicans held a primary but figures are not available.

q Only district delegates elected, therefore no state-wide figures available.

r Figures omitted because no primary was held in one or both parties.

TABLE V (Continued)

COMPARISON OF THE VOTE CAST IN THE STATE PRIMARIES AND IN THE PRESIDENTIAL PRIMARIES BY STATES AND GEOGRAPHICAL GROUPS OF STATES, 1912-1924

Total Republican and Democratic

States	1912		1916		1920		1924	
	Presidential	State	Presidential	State	Presidential	State	Presidential	State
ALL STATES	1,861,732 ^c	1,981,043	3,093,333	5,121,140	4,090,745	5,095,250	4,911,114	7,499,896
NORTH EAST	180,141	212,207	1,003,825	1,553,574	1,188,263	1,777,841	1,048,777	2,331,313
Mass.		(^c)	125,159	196,294	187,838 ^e	261,991	115,181	464,212
N. H.	(^a)		15,371	30,241	38,193 ^e	68,029	23,857	48,161
N. J.	180,041	212,207 ⁱ	66,552	276,146	144,388	273,738 ^j	163,041	545,767
N. Y.	(^p)		259,576	457,615	312,449	580,031	(^q)	
Pa.		(^c)	525,589	553,434	496,119	530,154	746,698	1,273,173
Vt.	(^a)		11,558	39,844	9,276 ^e	63,898	(^a)	
CENTER	995,796	904,002	1,560,671	2,613,560	1,708,547	2,357,580	2,204,979	3,352,243
Ill.	731,100	739,008	310,040	659,166	485,252	991,494	1,184,082	1,300,225
Ind.	(^a)		336,501	368,780	(^r)	(^r)	(^r)	(^r)
Iowa	(^a)		71,704	302,654	(^a)		(^a)	
Mich.	(^a)		260,266	314,006	497,651	384,602	442,272	819,982
Minn.	(^a)		115,753	217,557	(^a)		(^a)	
Ohio	(^a)		225,780	471,091	346,849	480,786	331,641	785,898
Wis.	264,696	165,084	240,627	300,106	378,795	400,608	336,984	446,138
WEST	685,795	863,844	728,737	924,006	1,141,831	1,000,081	1,301,686	1,380,993
Cal.	314,161	499,987 ^g	311,362	402,155	602,693	402,758	791,005	669,192 ^a
Mont.	(^a)		32,357	89,129	50,283	110,312	31,681	112,115
Neb.	130,226	120,998	167,857	174,212	204,481	154,810	177,917	189,283
N. D.	69,025		45,566	86,789	46,688	121,216	137,840	161,591
Ore.	90,027	87,760	122,813	105,600 ^h	145,383	135,873	163,494	169,928
S. D.	82,356	87,536	48,782	66,121	92,303	85,012	89,749	87,884
SOUTH		(^c)		(^r)	61,104	49,848	265,672	336,347
Md.			(^r)	(^r)	(^r)	(^c)	(^r)	(^m)
N. C.	(^a)		(^r)	(^r)	(^r)		(^r)	
W. Va.	(^a)		(^c)		61,104 ^d	49,848 ^d	265,672	336,347

a-r For all footnotes see two preceding pages.

TABLE VI

RATIO OF THE PRESIDENTIAL PRIMARY VOTE
TO THE STATE PRIMARY VOTE OF
THE SAME YEAR, 1912-1924

EXPLANATORY NOTES

The ratios used in this table are based upon the figures given in Table V, using the state primary figures as a base.

The average given for each state is the arithmetic mean of the percentages for 1912, 1916, and 1920.

TABLE VI
 RATIO OF THE PRESIDENTIAL PRIMARY VOTE TO THE
 STATE PRIMARY VOTE OF THE SAME YEAR
 1912-1924

	Republican					Democratic	
	1912	1916	1920	1924	Ave. ^e	1912	1916
ALL STATES	99.2	59.6	85.4	66.1	77.8	84.5	74.5
NORTH							
EAST	112.5	65.0	68.2	46.5	73.0	61.7	63.7
Mass.	(^c)	91.5	82.3	25.0	66.2	(^c)	24.1
N. H.	(^a)	43.2	46.7	44.3	44.7	(^a)	72.5
N. J.	112.5	23.1	62.6	29.0	56.8	61.7	25.8
N. Y.	(ⁱ)	49.1	48.1	(^f)	48.6	(ⁱ)	70.8
Pa.	(^c)	91.1	95.9	60.7	82.6	(^c)	106.8
Vt.	(^a)	23.5	14.1	(^a)	18.8	(^a)	56.8
CENTER	118.8	51.0	79.0	64.2	78.2	98.0	75.4
Ill.	99.5	41.0	57.2	92.3	72.5	98.4	57.4
Ind.	(^a)	84.2	105.2	70.9	86.8	(^a)	100.6
Ia.	(^a)	17.7	(^a)	(^a)	17.7	(^a)	42.0
Mich.	(^a)	61.6	113.0	44.3	72.7	(^a)	28.3
Minn.	(^a)	39.5	(^a)	(^a)	39.5	(^a)	117.2
Ohio	(^a)	49.7	73.9	35.9	53.2	(^a)	45.2
Wis.	224.0	75.8	83.1	57.0	127.6	97.6	80.2
WEST	81.6	73.0	129.0	96.0	96.7	72.3	93.0
Cal.	67.0	73.0	177.0	104.4	105.4	49.6	96.9
Mont.	(^a)	29.3	76.0	26.4	43.9	(^a)	44.9
Neb.	108.6	93.8	133.6	107.8	110.9	106.1	99.5
N. D.	103.7	44.4	35.4	83.4	66.7	93.0	108.0
Ore.	102.6	108.6	116.7	98.1	106.5	102.2	152.4
S. D.	92.5	71.3	110.2	104.1	94.5	104.1	84.4
SOUTH			122.5	85.7	104.1		
Md.	(^c)	(^b)	(^c)	(^g)		(^c)	(^b)
N. C.	(^a)	(^b)	(^d)	(^b)		(^a)	(^b)
W. Va.	(^a)	(^c)	122.5	85.7	104.1	(^a)	(^c)

^a Law not in effect that year.

^b No primary held.

^c Figures not available.

^d No state primary held.

^e The average is the arithmetic mean of the ratios for 1912, 1916, 1920 and 1924.

^f Only district delegates elected, therefore no statewide figures available.

^g No comparable figures.

^h Omitted because no primary was held in one or both parties.

ⁱ Law optional in that year. Republicans held a primary but figures are not available.

TABLE VI

RATIO OF THE PRESIDENTIAL PRIMARY VOTE TO THE
STATE PRIMARY VOTE OF THE SAME YEAR
1912-1924 (*Continued*)

<i>Democratic</i>			<i>Total</i>					
1920	1924	Ave. ^e	1912	1916	1920	1924	Ave. ^e	
65.7	74.9	74.9	93.9	64.3	80.4	66.3	76.2	ALL STATES
63.1	39.0	56.9	84.8	64.7	66.8	44.9	65.3	NORTH EAST
45.7	24.0	31.2	(^c)	63.8	71.7	24.8	53.4	Mass.
103.1	70.8	82.1	(^a)	51.8	56.1	49.5	52.5	N. H.
37.1	33.4	39.5	84.8	24.4	52.8	29.8	47.9	N. J.
68.2	(^f)	69.5	(¹)	56.7	53.8	(^f)	55.3	N. Y.
85.8	49.0	80.5	(^c)	105.2	93.6	58.6	85.8	Pa.
20.9	(^a)	38.8	(^a)	29.0	14.5	(^a)	21.7	Vt.
73.2	100.3	86.7	110.0	59.0	75.7	68.4	78.3	CENTER
11.9	87.0	63.6	99.0	47.0	49.0	104.0	74.7	Ill.
(^b)	(^b)	100.6	(^a)	91.3	(^h)	(^h)	91.3	Ind.
(^a)	(^a)	42.0	(^a)	23.8	(^a)	(^a)	23.8	Ia.
395.0	326.8	220.3	(^a)	82.6	129.2	53.9	88.6	Mich.
(^a)	(^a)	117.2	(^a)	53.2	(^a)	(^a)	53.2	Minn.
67.0	57.9	56.7	(^a)	47.8	72.2	38.7	52.9	Ohio
285.8	442.9	226.5	159.5	77.8	94.6	75.5	101.8	Wis.
60.0	85.0	77.6	79.4	79.0	113.0	93.7	91.3	WEST
31.5	106.0	66.0	62.8	77.4	149.6	104.7	99.4	Cal.
17.6	31.5	31.3	(^a)	36.3	45.6	28.8	36.9	Mont.
129.0	72.6	101.8	107.6	96.2	132.1	93.9	107.4	Neb.
83.0	110.1	98.5	102.2	52.5	38.4	85.3	69.6	N. D.
76.6	89.0	105.0	102.6	116.2	107.1	96.2	105.5	Ore.
90.5	86.9	91.5	94.0	73.5	108.6	102.1	94.5	S. D.
	70.4	70.4			122.5	78.9	100.7	SOUTH
(^e)	(^g)		(^a)	(^h)	(^e)	(^g)		Md.
(^b)	(^b)		(^c)	(^h)	(^b)	(^h)		N. C.
(^c)	70.4	70.4	(^a)	(^e)	122.5	78.9	100.7	W. Va.

^a Law not in effect that year.

^b No primary held.

^c Figures not available.

^d No state primary held.

^e The average is the arithmetic mean of the ratios for 1912, 1916, 1920 and 1924.

^f Only district delegates elected, therefore no statewide figures available.

^g No comparable figures.

^h Omitted because no primary was held in one or both parties.

ⁱ Law optional in that year. Republicans held a primary but figures are not available.

APPENDIX D

SOME TYPICAL BALLOTS

Note: These ballots are *one-half* the actual size.

- Exhibit I. North Dakota
- Exhibit II. Ohio (two ballots)
- Exhibit III. Oregon
- Exhibit IV. California
- Exhibit V. South Dakota
- Exhibit VI. Massachusetts
- Exhibit VII. New Jersey

Republican Official Primary
Election Ballot, March 18, 1924

The voter shall place his ☒ in the square following the name to the right of every candidate he desires to vote for. If a voter desires to vote for a name or names not printed on the ticket he may write in the names or paste a sticker in the blank space or spaces provided opposite the office and mark ☒ in the square opposite the same.

[illegible]

EXHIBIT I.
NORTH DAKOTA

REPUBLICAN TICKET

For Delegate-at-Large to National Convention (Vote for not more than seven) H. H. TIMKEN First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	For Delegate to State Convention (Vote for not more than two) REV. A. H. KNIPPING J. P. BLISS
ANNA S. TOD First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
FRANK B. WILLIS First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
MRS. JOHN GORDON BATTELLE First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
GEORGE H. BENDER First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
FRANK G. CARPENTER First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
GERRY CATHCART First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
HARRY M. DAUGHERTY First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
JOHN D. FACKLER First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
SIMEON D. FEES First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
JOSEPH E. KELLEY First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
CHARLES L. KNIGHT First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
I. G. MATHEWS First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
WILLIAM COOPER PROCTER First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
For Delegate to National Convention (District) (Vote for not more than two) WILLIAM W. WILLIAMS First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
HARRY B. HOLMES First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
JESSIE F. SCHULER First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
JAMES J. THOMAS First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	

For Alternate-at-Large to National Convention (Vote for not more than seven) HARRISON E. STAGMAN First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	EDWARD VOLLRATH First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD
MARY E. WEAVER First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
NORMAN C. BROWAND First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
HALLIE Q. BROWN First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
J. B. CARTMELL First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
FRANCIS J. COOK First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
THOMAS S. FARRELL First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
JOHN P. IMES First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
WILMA SINCLAIR LE VAN First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
FRED D. PATTERSON First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
CLIFF A. PEARN First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
ANNA S. REWWER First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
MARSHALL SHEPPEY First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
For Alternate to National Convention (District) (Vote for not more than two) J. STANLEY STEVENSON First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	
MRS. MARY C. ATWOOD First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
ROBERT B. BARCUS First Choice for President, CALVIN COOLIDGE Second Choice for President, ARTHUR L. GARFORD	
CHAS. G. POIRIER First Choice for President, HIRAM W. JOHNSON Second Choice for President, JOHN D. FACKLER	

For Delegate to State Convention (Vote for not more than two) REV. A. H. KNIPPING J. P. BLISS
For Alternate to State Convention (Vote for not more than two) EARL B. MASON FLORA M. FRANK

Name or registered number of voter

REPUBLICAN Presidential Preference Ticket	
For President (Vote for not more than one) HIRAM W. JOHNSON	
CALVIN COOLIDGE	
For Vice-President (Vote for not more than one) WM. GRANT WEBSTER	

EXHIBIT II. OHIO

(April 29, 1924)

Official Primary Nominating Election Ballot for the Republican Party for Precinct No. 162¹/₃
Multnomah County, Oregon, at the Primary Election, to be held
on Friday, the 16th day of May, 1924

MARK A CROSS (X) BETWEEN
UNITED STATES

- For Delegates to the Republican National Convention for the Nomination of Candidates for President and Vice-President of the United States—State at Large
- 17 FARRELL, ROBT. B.
Of Multnomah County
"Organ's" Republican choice for President and Vice-President of the United States—State at Large
- 18 FULTON, G. G.
Of Clatsop County
"Club" recommended by Oregon Republican Club
- 19 HILL, MARY E.
Of Multnomah County
"Foster" Hiram W. Johnson but will support preferential choice of Republican primary
- 20 JOHNSON, A. J.
Of Multnomah County
"Let's meet, not kneel." Foster, Coolidge, but will support the people's choice.
- 21 JOHNSON, J. M.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary
- 22 MACDONALD, SANFIELD
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary
- 23 MARSHALL, A. G.
Of Douglas County
"Club" recommended by Oregon Republican Club
- 24 METSKAN, PHIL.
Of Multnomah County
"Will support the people's choice." For President and Vice-President of the United States—Third Congressional District
- 25 MUCK, ARVIN A.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary
- 26 PETERSON, R. D.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary
- 27 RISHOP, FANNIE KAY
Of Multnomah County
"For clean government. For equality of all. For the people's choice." For President and Vice-President of the United States—Third Congressional District
- 28 OAREY, CHARLES H.
Of Multnomah County
"He favor of reelection of President Coolidge." For President and Vice-President of the United States—Third Congressional District
- 29 CARTER, WILLIAM A.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary
- 30 COE, HENRY WALDO
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary
- 31 EVENSON, O. J.
Of Columbia County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary

For Delegates to the Republican National Convention for the Nomination of Candidates for President and Vice-President of the United States—Third Congressional District

- 32 MATTHEW, S. A.
Of Multnomah County
"Recommended by Oregon Republican Club"
- 33 WALKER, GEO. F. A.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 34 DAY, JESSE W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For Candidate for Nomination for the Office of President of the United States

- 35 COOLIDGE, GALVIN
Of Massachusetts
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 36 JOHNSON, HIRAM W.
Of California
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For Candidate for Nomination for the Office of Vice-President of the United States

- 37 SHEPHERD, GEORGE
Of Oregon
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 38 WASHINGTON, ELWOOD
Of Indiana
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 39 WEBSTER, WM. GRANT
Of New York
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 40 LOWDEN, FRANK O.
Of Illinois
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For Electors of President and Vice-President of the United States

- 41 GOWAN, A. W.
Of Essex County
"Recommended by Oregon Republican Club"
- 42 HOLMAN, GLEN O.
Of Polk County
"Recommended by Oregon Republican Club"
- 43 STEARNS, J. O. SR.
Of Multnomah County
"Recommended by Oregon Republican Club"
- 44 BOYD, DANIEL
Of Multnomah County
"Recommended by Oregon Republican Club"
- 45 GEORGE, M. C.
Of Multnomah County
"Recommended by Oregon Republican Club"
- 46 STALLARD, H. H.
Of Multnomah County
"I will serve the interests of the people."
- 47 BAKER, GEO. L.
Of Multnomah County
"Represent Oregon and the nation in a big political, two-fisted manner."

THIRD CONGRESSIONAL DISTRICT

- For Representative in Congress, Third District, Multnomah County
- 48 KORBELL, FRANKLIN F.
Of Multnomah County
"Reduce taxes, lower cost of living, improve port, develop resources, increase industry."
- 49 MOUTON, ARTHUR L.
Of Multnomah County
"Patience, imagination, address, education, integrity, firmness of citizenship."
- 50 CRUMPACKER, M. E.
Of Multnomah County
"Republican candidate. Finest service for all the people."

STATE

- For Secretary of State
- 51 KOZER, SAM A.
Of Clatsop County
"Present Secretary of State. Asks no record on the record."
- For State Treasurer
- 52 KAY, THOS. B.
Of Multnomah County
"My record is my platform."
- 53 SEVER, FRANK B.
Of Multnomah County
"Two years Chief Deputy."
- 54 CAMPBELL, E. E.
Of Multnomah County
"Will practice honest economy combined with most efficient administration."

For Justice of the Supreme Court

- 55 KNOWLES, J. W.
Of Multnomah County
"Nearly fifteen years' service as Chief Justice of this county."
- 56 WESTBROOK, HENRY S.
Of Multnomah County
"Judge, honest, fair, impartial, worthy, uphold jury verdicts, oppose non suit, award justice."
- 57 BELT, HARRY H.
Of Polk County
"Will conscientiously endeavor to decide all cases according to law and justice."

For Attorney General

- 58 KUTENDALL, ROBT. B.
Of Multnomah County
"Completed legal service for the state."
- 59 VAN WINKLE, I. E.
Of Marion County
"My record as present Attorney General is my pledge for continued efficiency."

For Dairy and Food Commissioner

- 60 MCKIE, J. D.
Of Washington County
"Foster, fair, honest, impartial, worthy, uphold jury verdicts, oppose non suit, award justice."
- 61 JETTER, HARRY U.
Of Yamhill County
"Make Oregon a bigger factor in the country's dairy and poultry industry."

For Commissioner of the Public Service Commission of Oregon, District Composed of the Counties Lying West of the Cascade Mountains—Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington and Yamhill

- 62 BUSSELL, R. T.
Of Marion County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 63 OVERLANDER, EDWARD
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 64 BROWN, CHARLES L.
Of Jackson County
"A specialist for the people in public service matters."

FOURTH JUDICIAL DISTRICT

- For Judge of Circuit Court, Department Number Two, Multnomah County
- 65 ERWALL, W. A.
Of Multnomah County
"Will continue to devote to my judicial duties."
- 66 MORROW, ROBERT G.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For Judge of Circuit Court, Department Number Four, Multnomah County

- 67 HAIL, D. D.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 68 STAPLETON, GEO. W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

THIRTEENTH SENATORIAL DISTRICT

- For Senator, Thirteenth Senatorial District, Multnomah County
- 69 ERICKSON, GUS E.
Of Multnomah County
"Open the doors to new industries. Build up our State."
- 70 GOLDSSTEIN, BARNETT H.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For Representative, Eighteenth Representative District, Multnomah County

- 71 GEMAN, FRED W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 72 GORDON, HERBERT
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 73 HENSHAW, CHARLES E.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 74 HINDMAN, CHARLES C.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 75 HURBERT, THOS. H.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 76 KILHAM, HOWARD D.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 77 KIMBLE, ADRIAN S.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 78 KIRKWOOD, R. J.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 79 KOHN, GEORGE L.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 80 KUHN, LOUIS
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 81 LANGOE, H. J.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 82 LEWIS, D. C.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 83 LONERGAN, FRANK J.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 84 NORTH, W. C.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 85 RAUCH, GEO. L.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 86 RUSHLIGHT, ALLEN G.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 87 SARGENT, JOHN W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 88 STEVENS, J. C.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 89 WOODWARD, WILLIAM F.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 90 ANDERSON, GUST.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 91 BAILEY, J. O.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 92 BENNETT, J. E.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 93 BISHOP, GEORGE V.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 94 BUCHHEIT, FRED G.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 95 CARTER, L. E.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 96 COFFEY, JOHN E.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 97 ELMER, WM. W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 98 ENQUIST, E. A.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 99 FRIEDE, LEO
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

COUNTY

- For County Commissioner
- 116 KINSEY, W. B.
Of Multnomah County
"Will put the office to the test of the best of his ability."
- 117 LAKE, WM. B.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 118 MAYSON, U. DEWITT
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 119 RUDEEN, CHAS. B.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 120 SMITH, AMEDEE M.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 121 HOLMAN, RUFUS O.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 122 HOYT, RALPH W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 123 HUTCHINSON, HAL T.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For County Sheriff

- 124 MINSINGER, C. E.
Of Multnomah County
"Conservative, efficient, honest service."
- 125 TYLER, W. A.
Of Multnomah County
"Service, real service at minimum expense."
- 126 HUBBERT, THOMAS M.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For County Clerk

- 127 ANGELO, FRED W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 128 BEVERIDGE, JOS. W.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For County Treasurer

- 129 LEWIS, JOHN M.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For County Assessor

- 130 WELCH, HIRAM U.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For County School Superintendent

- 131 CALAVAN, J. E.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 132 CANNON, BOY E.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"
- 133 ALDERSON, W. C.
Of Multnomah County
"Foster Hiram W. Johnson but will support preferential choice of Republican primary"

For County Surveyor

- 134 BONSER, R. C.
Of Multnomah County
"Good roads, accurate surveys, permanent monuments, complete records."

For County Coroner

- 135 BABCOFT, JOHN W.
Of Multnomah County
"Will select the office in an economical and businesslike manner."
- 136 SMITH, EARL
Of Multnomah County
"Present incumbent. Will maintain present public morgue."

For Judge of the District Court, Department Number One

- 137 GRAHAM, GEO. G.
Of Multnomah County
"I promise a fair and impartial administration."
- 138 MEARS, JOHN A.
Of Multnomah County
"Twenty years' legal experience. Impartial and just."
- 139 NIELSEN, R. A.
Of Multnomah County
"Prompt decision, effective application of criminal laws to protect public."
- 140 PORTER, O. H.
Of Multnomah County
"Technicalities shall not defeat justice. A court over which I preside."
- 141 BROWN, LYLE F.
Of Multnomah County
"Honest endeavor to administer justice."
- 142 EASTMAN, ELMERT W.
Of Multnomah County
"Strict enforcement of Prohibition. Will be the People's Hired Man."

For Constable, Portland District

- 143 GOODWIN, EARL E.
Of Multnomah County
"I will deliver the goods as prescribed by law."
- 144 PARKER, CHAS. F.
Of Multnomah County
"Personal service and good will to the community."
- 145 PETERSEN, MARK W.
Of Multnomah County
"Strict law enforcement; prompt, courteous and impartial service."
- 146 PRICE, ANDRES
Of Multnomah County
"Service to the best of my ability."
- 147 GLOSS, ED.
Of Multnomah County
"Present incumbent. Your guarantee of business and courteous administration."

For County Central Committeeman

- 148

EXHIBIT III.
OREGON

No. 25903

**Mark Crosses (X) on Ballot ONLY WITH RUBBER STAMP
NEVER WITH PEN OR PENCIL.**

Fold Ballot to This Line, Leaving Top Margin Exposed

Official Presidential Primary Election Ballot

REPUBLICAN PARTY

MAY 6, 1924

To vote for a person whose name appears on the ballot stamp a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which cross shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name.

For Delegates to National Convention. Vote for 29, either as individuals or by group. But do not vote for more than 29.

Candidates Preferring HIRAM W. JOHNSON		Candidates Preferring CALVIN COOLIDGE		Blank Column	
1. FRANK P. FLINT		1. WILLIAM H. CROCKER			
2. CHARLES L. NEUMILLER		2. CHARLES C. TEAGUE			
3. ALBERT E. BOYNTON		3. MRS. FLORENCE COLLINS PORTER			
4. MRS. NORMA COLEMAN		4. FRANK C. JORDAN			
5. WILL C. WOOD		6. CHARLES C. CHAPMAN			
6. SETH R. BROWN		6. LEWIS H. SMITH			
7. C. C. YOUNG		7. MRS. ADDIE GARWOOD ESTES			
8. LOUIS M. COLE		8. FRED C. HANDY			
9. DR. MARIANA BERTOLA		9. GLENN E. MURDOCK			
10. JOHN D. HOWE		10. C. E. SEGERSTROM			
11. PHIL C. KATZ		11. WILLIAM C. LEE			
12. J. W. JAMESON		12. J. W. S. BUTLER			
13. R. E. MILLER		13. W. M. VEALE			
14. MRS. KATHERINE PHILIPS EDSON		14. FRANCIS V. KEESLING			
15. THEODORE J. ROCHE		15. MRS. EFFIE EASTON			
16. CHASE S. OSBORN, JR.		16. TIMOTHY P. MINEHAN			
17. W. B. WILLIAMS		17. A. W. JOHNSON			
18. MRS. ELIZABETH KELLY McCLATCHY		18. GEORGE C. PARDEE			
19. JOHN FRANCIS NEYLAN		19. CHARLES E. DUNSCOMB			
20. JOHN A. HELD		20. W. W. GIDDINGS			
21. THOMAS F. FINN		21. HARRY B. McCLURE			
22. ROGER C. EDWARDS		22. HENRY M. AYER			
23. ORVAL OVERALL		23. F. F. PEABODY			
24. R. C. HARBISON		24. A. L. BOWLAND			
25. RALPH W. BULL		25. W. E. EVANS			
26. JOSEPH SCOTT		26. MRS. HELEN MATTHEWSON LAUGHLIN			
27. MARSHALL DE MOTTE		27. WILLIAM M. GARLAND			
28. HERBERT C. JONES		28. JOHN D. SPRECKELS			
29. MRS. CORA WOODBRIDGE		29. W. B. CLANCY			

PRIMARY ELECTION MARCH 25, 1924

To vote for a person whose name is printed on the ballot, mark a cross (X) in the square (□) to the left of the candidate for whom you desire to vote.

NAME OF OFFICE (And number to vote for)		INDEPENDENT CANDIDATES (Proposed by Individual Petition)		REPRESENTATIVE PROPOSAL National Summary of Principles Relieve Farmers, Prohibition, World Court; Aid Veterans; Bonus. State Summary of Principles Taxation Slashed; Extravagance Stopped; Abuses Political Machinery Curbed. County Summary of Principles		REPRESENTATIVE PROPOSAL National Summary of Principles Agricultural Development and Co-operative Marketing State Summary of Principles Agricultural Development and Co-operative Marketing County Summary of Principles Economy and Progress	
Vote for one for Party State Central Committee		☐		☐	E. S. KNOWLES	☐	
Vote for one for Party State Chairman		☐		☐	GEO. W. WRIGHT	☐	
Vote for one for National Committeeman		☐		☐	W. E. MILLIGAN	☐	
Vote for one for President United States		☐	HIRAM W. JOHNSON	☐	CALVIN COOLIDGE	☐	
Vote for five for Presidential Electors		☐	ALAN BOGUE	☐	PHILO HALL	☐	
" " " "		☐	ALBERT NORBY	☐	FRED WILSON	☐	
" " " "		☐	E. L. SENN	☐	HELEN GAMBLE	☐	
" " " "		☐	J. H. WOOLEY	☐	MRS. W. S. HILL	☐	
" " " "		☐	DONALD McLEAN	☐	FRED CHESLEY	☐	
Vote for one for United States Senator		☐		☐	THOMAS STERLING	☐	WM. H. McMASTER
Vote for one for Superintendent of Public Instruction		☐		☐	FRED L. SHAW	☐	C. G. ST. JOHN
Vote for two for State Senator		☐	T. M. BAILEY	☐		☐	J. B. SEVERSON
" " " "		☐	LOUIE H. VOLSCH	☐		☐	C. W. THOMPSON
Vote for seven for State Representative		☐	CHARLES R. ADAMS	☐		☐	LEE. CASE
" " " "		☐	C. F. EGGERS	☐		☐	A. E. GODFREY
" " " "		☐	N. J. LOCKE	☐		☐	A. N. GRAFF
" " " "		☐	WILLIAM H. LYON	☐		☐	NANNA R. HOFFMAN
" " " "		☐	CLAUDE MANARY	☐		☐	JAMES MAIN
" " " "		☐	CHARLES S. McDONALD	☐		☐	W. C. NISBET
" " " "		☐	CHRISTINE OLSON	☐		☐	GUNERIUS THOMPSON
Vote for one for County Auditor		☐	HENRY C. STEPHENSEN	☐		☐	DALE E. HOWE
Vote for one for Sheriff		☐	ROLLA E. DICKENSON	☐		☐	GEORGE BOARDMAN
Vote for one for State's Attorney		☐	HENRY C. MUNDT	☐		☐	J. D. COON
Vote for one for County Commissioner, Fourth District		☐	P. L. TRAINOR	☐		☐	FLETCHER ALGUIRE
Vote for thirteen Delegates to National Convention		☐	Delegate FELIX NORBECK	☐	Alternate HAKLAN J. BUSHFIELD	☐	Alternate K. D. JONES
" " " "		☐	S. X. WAY	☐	HOWARD MANCHESTER	☐	C. L. BATES
" " " "		☐	GILBERT G. COTTAM	☐	HENRY C. MUNDT	☐	A. H. MOORE
" " " "		☐	ROBERT O. SCHABEE	☐	JOHN W. PARSONS	☐	A. A. CHAMBERLAN
" " " "		☐	CHARLES J. BUELL	☐	AL. JONES	☐	GEO. W. BURNSIDE
" " " "		☐	P. W. DOUGHERTY	☐	W. I. NOBLE	☐	P. D. BURR
" " " "		☐	BOYD WALES	☐	RAY A. NOLD	☐	L. MILLER
" " " "		☐	HARRY D. SEWELL	☐	J. P. SHIRK	☐	ROY WILLY
" " " "		☐	E. B. SERR	☐	SAMUEL STRAYER	☐	E. F. JONES
" " " "		☐	A. O. RINGSRUD	☐	W. C. CAVANAUGH	☐	DAVID RICHARDS
" " " "		☐	C. E. OLSTAD	☐	C. F. BARBER	☐	E. E. PATTERSON
" " " "		☐	GEO. E. PFITZLE	☐	W. K. WICKERSHAM	☐	P. J. DUNN
" " " "		☐	OLAF EIDEM	☐	WALTER L. JOHNSON	☐	JOHN A. BUSHFIELD
" " " "		☐		☐		☐	MRS. C. N. McILVAIN

PRESIDENTIAL PRIMARY

Specimen Ballot for Republican Party, Chelsea, Ward 4, Precinct 2, April 29, 1924

Penalty for willfully defacing, tearing down, removing or destroying a List of Candidates or Specimen Ballot — fine not exceeding One Hundred Dollars.

Frederic W. Cook

Secretary of the Commonwealth

SPECIMEN BALLOT OF THE REPUBLICAN PARTY

TO VOTE FOR A PERSON MARK A CROSS X IN THE SQUARE AT THE RIGHT OF THE NAME.

DELEGATES AT LARGE

To the Republican National Convention to nominate candidates for President and Vice-President of the United States

Vote for Not More than SEVEN

Group
CHANNING H. COX OF 173 BEACON STREET, BOSTON
HENRY CABOT LODGE OF MAHANT ROAD, MAHANT
FREDERICK H. GILLET OF 140 CHESTNUT ST., SPRINGFIELD
WILLIAM M. BUTLER OF 231 COMMONWEALTH AVE., BOSTON
JOHN H. SHERBURNE OF 92 HIGH STREET, BROADLINE
ANNA C. BIRD OF WASHINGTON STREET, WAL OLE
JESSIE A. HALL OF 27 MAY STREET, WORCESTER

ALTERNATE DELEGATES AT LARGE

To the Republican National Convention to nominate candidates for President and Vice-President of the United States

Vote for Not More than SEVEN

Group
PAULINE R. THAYER OF MAIN STREET, LANCASTER
ELIZABETH PUTNAM OF 49 BEACON STREET, BOSTON
CHARLES H. INNES OF 49 HUNTINGTON AVENUE, BOSTON
JOHN JACOB ROGERS OF 444 ANDOVER STREET, LOWELL
ROBERT M. STEVENS OF 80 WEIRIAM STREET, PITTSFIELD
MARY B. BROWNE OF 123 FEDERAL STREET, SALEM
SPENCER BORDEN, Jr. OF NEW BOSTON ROAD, FALL RIVER

DISTRICT DELEGATES — Ninth District

To the Republican National Convention to nominate candidates for President and Vice-President of the United States

Vote for Not More than TWO

Group
WILLIAM H. DOLBEN OF 55 OSSISPEE ROAD, SOMERVILLE
FRANK A. BAYRD OF 158 WEBSTER STREET, MALDEN
JOSEPH FARRELL OF 197 BROADWAY, SOMERVILLE

ALTERNATE DISTRICT DELEGATES

Ninth District

To the Republican National Convention to nominate candidates for President and Vice-President of the United States

Vote for Not More than TWO

Group
JAMES B. BROWN OF 5 HAMPSHIRE STREET, EVERETT
G. WALLACE TIBBETTS OF 100 GROVER AVENUE, WINTHROP
JOHN E. LYDSTONE OF 18 FELLSWAY WEST, SOMERVILLE

This Official Primary Sample Ballot is an Exact Copy of the
Official Primary Ballot to Be Used on Primary Election Day.
THIS BALLOT CANNOT BE VOTED

To Be Torn Off By the Judge of Election
FOLD TO THIS LINE

Official Republican Party Primary Ballot

PAULSBORO BOROUGH—THIRD DISTRICT

The Polling Place for this Election District is
Billingsport Fire House, Paulsboro

April 22, 1924

Oliver J. Thiel

County Clerk

To vote for any person whose name appears on this ballot
mark a cross X or plus + with black ink or black lead
pencil in the space or square at the left of the name of
such person.

Choice for President of the United States Vote for One

☐ CALVIN COOLIDGE

☐ HIRAM W. JOHNSON

For Delegates at Large Vote for Seven

☐ WALTER E. EDGE

☐ GEORGE E. CANNON

☐ EDITH HYDE COLBY

☐ JOSEPH S. FRELINGHUYSEN

☐ MIRIAM L. E. LIPPINCOTT

☐ DANIEL E. POMEROY

☐ EDWARD C. STOKES

Choice for
President
CALVIN
COOLIDGE

☐ BROGER EDWARD WYNN

Choice for President
CALVIN COOLIDGE

☐ WILLIAM H. DUNN

Choice for President
CALVIN COOLIDGE

☐ MOSES BRADLEY

Choice for President
CALVIN COOLIDGE

☐ MULFORD L. BALLARD

☐ WINFIELD F. COZART

☐ OLAF P. HANSEN

☐ MARGARET B. LAIRD

☐ SUSANNA LEWIS

☐ JOHN S. DRURY

☐ J. RAYMOND TIFFANY

Choice for
President
HIRAM W.
JOHNSON

☐

☐

☐

☐

☐

☐

☐

☐

☐

For Alternate Delegates at Large Vote for Seven

☐ WALTER G. ALEXANDER

☐ ROBERT CAREY

☐ QGDEN H. HAMMOND

☐ CHARLES LATHROP PACK

☐ D. HARRIS SMITH

☐ LEWIS T. STEVENS

☐ RIDLEY WATTS

Choice for
President
CALVIN
COOLIDGE

☐ FRANK B. ANDERSON

☐ GEORGE A. CELLA

☐ CHARLES V. FINCH

☐ GEORGE R. HUNT

☐ MOLLIE GIVENS LANGFORD

☐ PETER J. LYDECKER

☐ SAMUEL A. PARTELOW

Choice for
President
HIRAM W.
JOHNSON

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For District Delegates Vote for Two

☐ ALBERT S. WOODRUFF

☐ FRANCIS B. DAVIS

Choice for President
CALVIN
COOLIDGE

☐ RAYMOND L. BLACKWOOD

☐ FRANK S. DEVEREAUX

Choice for President
HIRAM W.
JOHNSON

☐

☐

For Alternate District Delegates Vote for Two

☐ WILLIAM RICHMAN

☐ THOMAS E. FRENCH

☐ RICHARD A. RAMSEY

☐ DANIEL J. WESCOTT

Choice for President
HIRAM W.
JOHNSON

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EXHIBIT VII.
NEW JERSEY

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